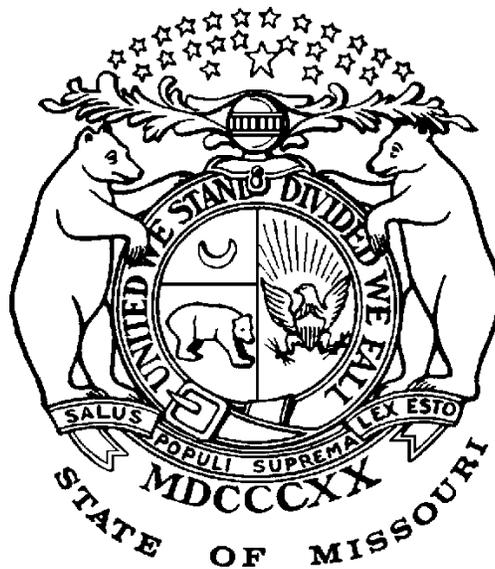


**A SUMMARY OF LEGISLATION**  
**TRULY AGREED TO AND FINALLY PASSED**

by the

**91st General Assembly**  
**Second Regular Session**



**2002**

Prepared by the  
Divisions of Research, Data Processing  
and Administration  
of the  
**MISSOURI SENATE**

Sponsor: Caskey

Handler: Williams

SB 639 - This act exempts sellers of jams and jellies from the requirement to construct or maintain separate facilities for their production. This exemption applies as long as the seller does not sell more than \$30,000 of jams and jellies annually.  
CINDY KADLEC

Sponsor: Mathewson

Handler: Davis

SB 644 - This act allows Veterans to receive Veterans' license plates for their motorcycles. In addition to regular registration fees, the person shall pay an additional fee of \$15.  
STEPHEN WITTE

Sponsor: Singleton

Handler: Monaco

CCS/HCS/SS#2/SB 650 - This act removes the statute of limitations for the crimes of forcible rape, attempted forcible rape, forcible sodomy and attempted forcible sodomy so that a prosecution may be commenced at any time when a suspect is apprehended.

This act contains an emergency clause.

This act is identical to CCS/SCS/HS/HCS/HBs 1037, 1188, 1074 & 1271 (TAT).  
JIM ERTLE

Sponsor: Rohrbach

Handler: Luetkenhaus

SCS/SB 656 - This act allows an insurer to provide insurance policies, endorsements, riders and explanatory materials in a language other than English. The English version shall govern disputes. If these materials are provided in a language other than English, the insurer shall provide a copy of the materials in English. The insurer shall disclose on such materials, in both English and the other language, that the translation is for informational purposes only and that the English version of the materials is controlling unless the language in the other language version is shown to be a fraudulent misrepresentation.



needed for primary and general elections and non-primary and non-general elections. No party shall have a majority of judges at a polling place. An election authority may appoint judges from other established parties and non-affiliated judges. Any decision shall be made by the major political party judges (Section 115.081).

-In jurisdictions without a board of election commissioners, the parties may submit names of judges to the election authority. County clerks can make the decisions on judges if the clerk serves as the election authority (Section 115.087).

-The act allows boards of election commissioners to compile lists of non-partisan judges (Section 115.089).

-Provisions are included to ensure that no party has a majority of judges (Sections 115.095, 115.097 and 115.099).

-Provides that the election authority, not the legislative authority of each county and St. Louis city, shall determine the amount paid to election judges (Section 115.101).

EMPLOYEE PROTECTION (Section 115.102) - Prohibits adverse action against employee by employer for the employee serving as election judge.

TIME OF ELECTIONS (Section 115.123) - Expands election days in June and August.

ADVANCED VOTING (Section 115.126) - Election authorities shall establish an advance voting system for use in presidential election years. Voting begins 14 days before election. The polls may be open on Saturday, Sunday and holidays.

SPECIAL ELECTIONS (Section 115.127) - The election authority in jurisdictions with less than 750 registered voters and no qualified newspaper may send notice of the election by first class mail to each registered voter. Currently, such provision only applies to jurisdictions with less than 500 registered voters.

QUALIFICATIONS OF VOTERS (Sections 115.133 and 115.135) - With certain exceptions related to being a new resident, a person shall not be allowed to vote unless registered in the jurisdiction where the person resides.

REGISTRATION (Section 115.137) - Technical changes to require person to be registered in accordance with this chapter.

VOTER REGISTRATION AGENCIES (Sections 115.151, 115.160, 115.162) - Voter registration agencies are required to transmit all voter registration applications to the appropriate election authority within five business days.

VOTER INFORMATION (Section 115.157) - Certain individuals are exempted from the public disclosure of their residential addresses.

ABSENTEE BALLOTS (Section 115.159) - A person cannot vote by absentee ballot until after first voting in person with proper identification or providing a copy of acceptable identification to the election authority, with some exceptions for incapacitated persons. Persons responsible for the care of incapacitated persons may vote by absentee ballot and active duty military personnel may only vote by absentee ballot for certain federal offices (Sections 115.277, 115.283). The act requires election authorities to deliver absentee ballots at certain times before an election. (115.284). Applications for ballot can be made by fax (Section 115.279). Certain relatives can deliver and return ballots (Section 115.287). Overseas federal personnel can send ballot by fax (Section 115.291).

VOTER CANVASSING (Sections 115.163, 115.179) - Allows election authority to use postal service to identify incorrect addresses and canvass voters. Before removing a voter from the registration records, a confirmation notice must be sent to the voter's corrected address as identified by the National Change of Address program.

DECEASED, FELONS, INCAPACITATED PERSONS (Section 115.195) - Certain local officials are required to provide monthly information on deceased persons, new felons and newly adjudged incapacitated persons to the election authority and the Secretary of State. The Secretary of State is responsible for notifying the election authority in which the deceased person, felon or incapacitated person resides or resided.

COMPUTERIZED VOTING SYSTEMS (Section 115.225) - The Secretary of State shall promulgate rules to allow the use of computerized voting systems. The act provides that the election authority must have the equipment tested within 14 days of the election. (Section 115.233). The Secretary of State shall develop uniform standards for ballot layout for computerized ballot systems (Section 115.237).

NOMINATING COMMITTEES (Sections 115.365 and 115.367) - The act provides that in special elections, the nominating committee shall be based on the old districts before a decennial

redistricting.

INTERNATIONAL OBSERVERS (Section 115.409) - Allows registered international observers to be admitted to polling place.

VOTER INSTRUCTIONS (Sections 115.417 and 115.419) - Voter instructions of a certain size must be posted at each polling place. The Secretary of State can develop multi-lingual voting instructions and sample ballots.

BUTTERFLY BALLOTS (Section 115.420) - Butterfly ballots are prohibited unless approval is granted by the Secretary of State. The Secretary must act on requests within two business days.

VOTER IDENTIFICATION (Section 115.427) - Before voting, a person must show an approved form of personal identification issued by certain government agencies or Missouri post-secondary school. Personal knowledge of the voter by two supervisory election judges is acceptable voter identification.

VOTING PROCEDURES - Provides that any question of doubt regarding a person's identity or qualifications to vote shall be decided by a majority of the judges from the major political parties. (Section 115.429). Technical changes to procedure for initialing of ballot by judges to allow for initialing by judge of major political party and judge with no political affiliation (Section 115.433). All stickers used on a ballot must conform to rules of the Secretary of State (Section 115.439). Technical change to ballot retention statute (Section 115.493).

VOTER INTENT (Section 115.453) - Election judges shall use regulations adopted by the Secretary of State to determine voter intent.

VERIFICATION BOARD (Section 115.507) - Authorizes Kansas City to select an election authority from one of the four counties in which the city is located to act as its verification board.

POLITICAL PARTY COMMITTEES (Section 115.613) - No election will be held if only one candidate for committeeman in a district files prior to the deadline. The election authority shall, within six months after the decennial census is reported to the President, adopt a reapportionment plan for purposes of political party committees. If the election authority fails to do so, the act sets forth procedures for the county commission to adopt a plan (115.607).

PRESIDENTIAL PRIMARY (Section 115.755) - The act changes the date from March to February.



Sponsor: Mathewson

Handler: Lawson

SB 708 - This act would revise the selection criteria for the Clean Water Commission.

The Commission is increased to seven members and must have exactly two members who are knowledgeable concerning the needs of agriculture, industry or mining and interested in protecting these needs in a manner consistent with state law. The act requires that the Commission also include one member knowledgeable of publicly-owned treatment works.

The act also requires that all new members shall have demonstrated an interest and knowledge about water quality and shall be qualified to provide, assess and evaluate relevant information about water quality, financial requirements and the effects of standards and rules.

This act is identical to SCS/SB 15 (2001).  
CINDY KADLEC

Sponsor: Singleton

Handler:

CCS/HCS/SCS/SB 712 - This act modifies provisions relating to terrorism.

A new section creates the Joint Committee on Terrorism, Bioterrorism, and Homeland Security to be composed of seven members of the House and seven members of the Senate. Appointments will continue during the member's term of office. No party may be represented by more than four members from either chamber. The Committee must analyze current efforts, devise a standard reporting system, determine changes needed, and make other recommendations. The Committee must meet within thirty days after its creation and must meet at least quarterly thereafter. A report is due by January 15th of each year. This portion of the act will expire December 31, 2007 and is identical to SB 983 (Section 38.050). New definitions are provided for terrorism related terms (Section 44.010).

Current law authorizes the State Emergency Management Agency (SEMA) to activate in the event of an earthquake or other natural disaster. This act allows SEMA to activate volunteers in the event of any disaster (Section 44.023).

Current law allows a twelve-month temporary license for a health care practitioner licensed in another state who is acting

under military orders and is enrolled in a trauma and disaster response training in this state. This act adds a second category to also allow temporary licensure of a health care practitioner licensed in another state and acting pursuant to a Governor's declaration of a state public health emergency. Temporary licensure for this category will be issued for a two-week period and, after verification of qualifications, may be reissued every two weeks. Licensure information for all three categories may be obtained by any means, including electronic mail. The term "health care professional" is as defined in 383.130, which includes physicians, dentists, podiatrists, pharmacists, psychologists, or nurses. This portion of the act is identical to TAT/SB 714 (Section 190.500).

A new section allows the Department to waive the registration and record keeping requirements regarding narcotic drugs during a declared emergency (Section 195.041). A new section defines "hazardous materials" and prohibits the transportation of such materials in, through, or within 300 feet of any highway tunnel in the state. Violators will be guilty of a Class B misdemeanor for first offenses and a Class A misdemeanor for subsequent offenses (Section 304.370).

Current law allows the Missouri State Water Patrol to uniformly mark state waters. This act authorizes the Patrol, with the consent of the Director of Public Safety, to close waters due to any actual or imminent man-made or natural disaster. This act does not authorize the Patrol to close down a dam, but the Patrol may close waters near the dam due to any actual or imminent man-made or natural disaster (Section 306.124).

Currently, commercial motor vehicle operators who are transporting hazardous materials must follow hazardous materials regulations or suffer licensure suspension. This act imposes a Class A misdemeanor on violators (Section 307.177). The Attorney General may currently bring an action for the violation of merchandising practices law. This act expands the law to allow the Attorney General to bring an action if charitable organizations violate such practices (Section 407.472).

Current law allows probate to begin early in situations involving estates of absent persons. This act adds an individual's exposure to a specific peril of death due to a terrorist event to the list of circumstances during which probate may begin (Section 473.697). Current law allows a presumption of death after five years and without proof otherwise. This act provides that it will be sufficient to presume a person dead at any time after that person was exposed to a specific peril of

death, even if five years have not yet elapsed (Section 490.620).

Current wiretapping law is repealed and reenacted with expanded authority to allow wiretapping for felony crimes and terrorist threats (Sections 542.400 - 542.422).

A new section creates the crime of water contamination when a person knowingly introduces any dangerous agent or substance into any waters or water supply with the purpose of causing death or serious injury. Violation of this section is a Class B felony (Section 569.072). This act adds the theft of ammonium nitrate to the definition of stealing (Section 570.030). Current law prohibits the possession, manufacture, transport, repair, or sale of certain weapons. This act adds to the weapons list an explosive, incendiary, or poison substance or material. Current law prohibits money laundering. This act expands the crime to include currency transactions that are conducted or attempted in order to promote or aid the carrying on of criminal activity to further terrorism (Section 574.105). This act expands the crime of making a terrorist threat to include the communication of a threat to cause an incident involving danger to life or a false belief or fear that an incident has occurred. A new intent provision is also added for when a threat is made with criminal negligence with regard to the risk of causing the evacuation, quarantine, or closure of a building or other facility. Violators will be guilty of a Class A misdemeanor (Section 574.115).

This act expands the crime of making a false report to include reporting false information about an incident that is about to occur (Section 575.080). This act creates the crime of "supporting terrorism" if a person supports any organization designated as a foreign terrorist organization. Violation is a Class C felony (Section 576.080). This act changes the crime of "spreading disease to livestock or animals" to "agroterrorism" and includes crops and poultry along with livestock (Section 578.008).

This act adds an exemption to the Sunshine Law, allowing closure of meetings and records regarding specific information on certain terrorism readiness issues. However, certain information regarding municipal utilities and information regarding costs of security measures shall not be considered closed. Subdivision (18) requires municipal utility action within three days on public records requests about security systems and structural plans. Subdivision (19), regarding security measures, is modified to require a statement in writing against disclosure. A new subdivision (20) is added to allow the closure of certain records identifying the configuration or operation of computer or

telecommunications systems. A new subdivision (21) is also added to allow the closure of certain electronic transactions between a public governmental body and its business counterparts (Section 610.021).

ERIN MOTLEY

Sponsor: Singleton

Handler: Barry

HCS/SB 714 - This act allows the state to temporarily license certain health care practitioners in an emergency. Currently, Section 190.500, RSMo, allows a twelve-month temporary license for a health care practitioner licensed in another state who is acting under military orders and is enrolled in a trauma and disaster response training in this state. This act requires the practitioner to also be in good standing in the state of license.

This act adds a third category to also allow temporary licensure of a health care practitioner licensed in another state and acting pursuant to a Governor's declaration of a state public health emergency. Temporary licensure for this category will be issued for a two-week period and, after verification of qualifications, may be reissued every two weeks. Licensure information for all three categories may be obtained by any means, including electronic mail.

ERIN MOTLEY

Sponsor: House

Handler: Berkowitz

HCS/SB 718 - Schools that receive public funds shall ensure that the Pledge of Allegiance is recited in at least one scheduled class of every pupil no less than once a week. No student shall be required to recite the pledge of allegiance.

DONALD THALHUBER

Sponsor: Westfall

Handler: Hoppe

SB 720 - This act requires all deputies or assistants that are appointed by the collector or treasurer ex officio collector to provide a bond that is approved by the collector.

The bond amount will not exceed one-half of the amount of the maximum bond required for any collector or treasurer ex officio collector.

The county or city that is being protected will provide the premium for the bond.

JIM ERTLE

Sponsor: Bentley

Handler: Relford

HS/HCS/SCS/SB 722 - TEACHERS' LICENSES - This act makes several changes to the process by which disciplinary action may be imposed on the holder of a certificate of license to teach or when teachers' licenses may be denied. The act adds new reasons for denial of a license or for discretionary revocation including:

- (1) Deception in obtaining a license;
- (2) Disciplinary action on an existing license from another jurisdiction;

This act adds furnishing child pornography to a minor to the list of offenses that require license revocation.

This act clarifies that the State Board of Education as well as the school district may file certain licensure charges, that cases may be settled informally by agreements or voluntary surrender of license, and that licensure decisions are subject to judicial review. The State Board of Education may refuse to issue or renew a license or may suspend or revoke a license of a person who has surrendered his or her license or has failed to renew it, for any of the grounds mentioned in this act (SECTION 168.071). This portion of the act is identical to HB 1338 (2002).

TEMPORARY ADMINISTRATOR CERTIFICATES - This act permits qualified applicants to apply for a temporary administrator certificate with a school district that is willing to employ and sponsor the individual. The temporary administrative certificate is restricted to the employing public school district or accredited nonpublic school. The employing school district of the temporary administrator must develop a mentoring program to ensure that the individual eventually obtains a full administrator certificate. The temporary certificate is valid for a period of one year and may be renewed up to four subsequent times upon demonstration







This act authorizes the Highway Patrol to inform providers whether an applicant for employment is a registered offender under "Megan's Law". This act also requires the information from the registry be made available to other entities, as provided for by law.

This act also adds statutory rape, sexual assault, forcible sodomy, statutory sodomy, deviate sexual assault, and sexual abuse to the list of crimes for which an appeal bond can be denied.

The provisions of this act are also contained in CCS/HS#2/HCS/SS/SCS/SBs 969,673 & 855 (TAT); and similar provisions are contained in HCS/SCS/SB 1070 (TAT).  
SARAH MORROW

Sponsor: Goode

Handler: Campbell

HCS/SB 786 - This substitute removes the requirement that a design-build contractor hold professional certification if he or she actually performs any design work. That requirement is contained within other sections of Chapter 327, RSMo.  
ERIC ROSENKOETTER

Sponsor: Schneider

Handler: Treadway

CCS#2/HCS/SB 795 - This act allows the Boiler and Pressure Vessel Board to set fees for inspection, permits, licenses and certificates. The Board may alter its fee schedule every two years. The Boiler and Pressure Vessels Safety Fund is created, which will contain the fees collected by the Board. Moneys in the fund shall be used to pay for the expenses of the board. If a municipality or political subdivision is responsible for enforcement the fees for inspection shall be paid directly to that entity.

The act also allows St. Louis County to establish an Emergency Communications System Commission within the county. Membership of the Commission is specified. St. Louis County may, on a vote of the people, levy and collect a tax on real property, not to exceed \$.06 per \$100 assessed valuation for the establishment, operation and maintenance of the emergency communications system. Moneys from the tax are to be deposited



expanding program eligibility. Eligibility will be based on a household income of less than or equal to 150 percent, rather than 110 percent, of the current federal poverty level or 60 percent of the state median income (Sections 660.100, 660.105).

Current law requires the Department of Social Services to coordinate all federal heating assistance programs along with the Utilicare program. This act requires the Department to coordinate all federal programs into the Utilicare program (Section 660.110).

Current law allows a payment of \$150 to each eligible household from the Utilicare fund for heating and cooling. This act increases that amount to \$600. Language limiting program expenditures is also deleted (Section 660.115). Section 660.120 is repealed.

Currently, funds may be used to pay for reconnecting or maintaining service of eligible households. New eligibility language is again added for qualified households. Language limiting program expenditures is also deleted (Section 660.122).

Section 660.135, RSMo, specifies the amount of appropriations allowed for the program at five million dollars and includes a cost of living adjustment allowance. The Department may currently combine funds with the Department of Natural Resources' low-income weatherization assistance program.

The law established the "Utilicare Stabilization Fund". New language provides that funds may come from any source, including federal funds under the Community Opportunities Accountability and Training and Educational Services Act. Existing language regarding the investment of such funds is removed and new language requires all funds to be used for Utilicare and LIHEAP (Section 660.136).

In order to expedite adult guardian/conservatorship cases the Department may retain legal counsel on a case-by-case basis.

The Division of Family Services is required to perform a division of assets for married couples when determining eligibility for supplemental nursing care payments when one spouse is living in a residential care facility.

Cities, towns, and village are prohibited from passing any ordinance which would prohibit charitable organizations from engaging in the business of reselling donated goods; provided that 80% of the revenue is used to fund the charitable purpose of the organization.

Further limits moneys available for heating and cooling assistance to provide that the respective shares of overall funding received by primary and secondary heating and cooling source suppliers on behalf of their customers shall be substantially maintained.

All refunds of rates generated by the refund of natural gas or electric rates shall be transferred to the Utilicare stabilization fund. Such transfers shall be held for one year before distribution and if unused within one year thereafter shall be transferred to general revenue.

The act also modifies provisions relation to guaranteed cost savings contracts. Guaranteed cost savings contracts for measures related to compliance with the Americans with Disabilities Act are allowed. Also, allows the Division of Design and Construction to contract for guaranteed energy cost savings. Contractors must be selected based on experience, capability, past performance and proximity of the firm. The contract must otherwise be in accordance with section 8.231, RSMo.

The act also extends the period of payments on guaranteed energy cost savings contracts to ten years or 80% of the useful life of energy conservation measures. This portion is similar to HB 2087 and SCS/SB 821 (2002).  
CINDY KADLEC

Sponsor: Russell

Handler:

SB 812 - This act requires all executive orders issued after January 1, 2003, to be published in the Missouri Register.  
STEPHEN WITTE

Sponsor: Loudon

Handler: Gambaro

SB 831 - This act establishes December 15 as "Bill of Rights Day" in Missouri.  
MARTY DREWEL

Sponsor: Sims

Handler: Hoppe

HS/HCS/SCS/SB 834 - Wholesalers may give a retailer credit for a container with a capacity of four gallons or more, with an alcohol content of 5% or less, that was delivered but not used if the wholesaler removes the keg within seven days of the initial delivery in order to assure and control product quality.

PERMITS - In order to promote tourism, a person may apply for a license to sell intoxicating liquor by the drink at retail for consumption of the premises. The person shall only sell Missouri-produced wines received from licensed manufacturers. The premises may remain open from 6:00 a.m. to midnight Monday through Saturday, and between 11:00 a.m. and 9:00 p.m. Sundays.

RESORTS - This act allows resorts located in Miller, Morgan and Camden counties to apply for a special permit from the Supervisor of Liquor Control to remain open and sell liquor by the drink until 3:00 a.m. each day of the week and to open at 11:00 a.m. on Sunday.

The applicant must have had gross sales of \$100,000 or more in the preceding year and must be a resort. A resort is defined as "any establishment having at least seventy-five rooms for the overnight accommodation of transient guests, having at least three thousand square feet of meeting space and having a restaurant located on the premises".

Any resort holding a special permit must ensure that only overnight guests of the resort are sold liquor between 1:30 a.m. and 3:00 a.m. The provisions in this section will terminate January 1, 2007.

AIRLINE CLUBS This act allows the Supervisor of Liquor Control to issue a retail license to sell intoxicating liquor between the hours of 11:00 a.m. and midnight on Sunday to any airline club. This license will cost \$200 in addition to all other fees required by law. City and county regulations and fees will also apply to the license.

PENALTY Allows the supervisor of liquor control to assess a civil penalty or fine of between \$100 and \$5000 for violations, in lieu of suspension or revocation of a license. Any aggrieved person may appeal to the administrative hearing commission. The licensee has the opportunity to meet with the supervisor of liquor control before the issuance of an order, warning, probation, revocation, suspension or fine. The supervisor shall provide the licensee with a written description of the specific conduct for which discipline is sought.

This act contains an emergency clause.

This act is identical to HB 1065; SCS/SB 912; HB 1530 and SB 1002.

SARAH MORROW

Sponsor: Gross

Handler: Hosmer

HCS/SS/SCS/SB 840 - This act revises the statute of limitations and adds economic loss damages for home improvements. The ten-year statute of limitations remains the same. Currently, the time period begins to run at completion of the improvement. However, if an occupancy permit is issued, the act provides that the ten year statute of limitations would commence on the date the occupancy permit is issued.

This act is similar to HB 1316 (2002).

CINDY KADLEC

Sponsor: Russell

Handler: Rizzo

SB 856 - This act authorizes a new enterprise zone for Wright County and for the City of Carl Junction in Jasper County.  
JEFF CRAVER

Sponsor: Russell

Handler: Ransdall

SB 859 - This act exempts dependents of active military personnel from the three-year attendance requirement if they otherwise qualify for A+ program reimbursements. Further, this act grants supremacy to tuition reimbursements, rather than school grants, in the monies appropriated for the program.  
DONALD THALHUBER

Sponsor: Foster

Handler: Myers

SB 865 - This act extends the date for subsequent

referendums for boll weevil eradication assessments from five years to ten years.

SARAH MORROW

Sponsor: Bentley

Handler: Franklin

SCS/SB 874 - The act asserts that when school districts develop an individualized education program for a student who has received services pursuant to Part C of the Individuals with Disabilities Education Act, the district shall consider giving preference to continuing services with that student's Part C provider, unless this would result in a cost which exceeds the average cost per student in early childhood special education for the district responsible for educating the student.

The Department of Elementary and Secondary Education may develop guidelines to govern the provisions of act.

DONALD THALHUBER

Sponsor: DePasco

Handler: Liese

SS/SCS/SB 884 - This act modifies the interest and fees charged in payday loans.

This act provides that after the first renewal of the loan, the borrower must reduce the principal amount of the loan by not less than five percent of the original amount of the loan until it is paid in full. The act provides that no loan can be renewed more than six times.

This act creates a new Section 408.505. This section applies to payday loans, any person determined by the division of finance to have entered into a transaction that is a disguised loan, and any person determined by the division of finance to have engaged in subterfuge to avoid this section.

A lender may charge any simple interest or fees agreed to by the parties to the loan. However, no borrower shall be required to pay a total amount of interest and fees in excess of 75% of the initial loan amount on any single loan and all renewals.

All original or renewed payday loans must be for a term of at least 14 days, but no more than 31 days.

A loan is considered completed if the lender presents the check for payment or the consumer redeems the check by paying the full amount to the lender. Once a loan is completed, the consumer can enter into a new loan with the lender.

With limited exceptions, a loan cannot be repaid from the proceeds of another loan made by the same lender. A lender cannot have more than \$500 in loans to the same borrower at any one time. A lender complies with this requirement if the lender receives a signed statement from the consumer in which the consumer attests to the fact that such consumer doesn't have more than \$500 in loans from that lender.

The act provides that a person does not commit the crime of passing a bad check if the person receives a payday loan, unless the person closes the checking account on which the loan was made before the loan is paid back or the person stops payment on the check. A return check fee may be charged where cash is advanced in exchange for a personal check.

Any loan that charges fees in violation of this act shall not be enforceable. The act provides that lenders cannot use certain devices to avoid the provisions of this act.

The Division of Finance is required to make a report to the general assembly beginning on January 1, 2003, and every two years thereafter that contains information about the number of payday loan licenses issued, the number of loans issued by licensees, the average face value of the loans, the average number of times that the loans are renewed, the default rate for the loans, the number and nature of complaints made to the division, the average interest and fees charged, and a comparison of the interest and fees charged in this state and adjoining states.

JIM ERTLE

Sponsor: Kenney

Handler:

SB 891 - This act amends a technical error created in HB 202 from the 2001 legislative session regarding ownership requirements for members of a transportation development district.

STEPHEN WITTE

Sponsor: Kenney

Handler: O'Connor

HCS/SCS/SB 892 - This act allows the purchase of certain cemetery services to the list of items that may be pre-purchased from a cemetery, subject to the cemetery owner meeting certain requirements. The cemetery owner must deposit forty percent of funds from the sale of services into a trustee account and the use of funds in the trustee account. A definition of "cemetery services" is created. The act shall apply only to agreements for pre-purchased services entered into after August 28, 2002. Requirements for withdrawals from the trustee account at the time services are rendered are specified.

This act is similar to HB 1503 (2002).  
CINDY KADLEC

Sponsor: Yeckel

Handler: Liese

CCS/HS/HCS/SB 895 - This act makes a number of changes related to financial institutions and services involving financial institutions. The state treasurer is authorized to exchange certain investments for cash (Section 30.260). County collectors are authorized to collect a penalty against persons who pay their taxes with a check with insufficient funds (Section 139.235). The act allows certain resident shareholders of S corporation chartered banks to qualify for any pro rata share of any net tax paid (Section 143.081). The act creates a definition for the term "lease or rental of tangible personal property" (Sections 148.020 and 148.610).

The act modifies the contents of the sign that must be posted by car dealerships (Section 301.560). The act modifies provisions relating to liens on motor vehicle and watercraft. It requires the Director of the Department of Revenue to mail or electronically confirm receipt of notice of lien to the lienholder within 15 days of filing. Confirmation of ownership may also be sent electronically. The act requires the certificate of ownership of a motor vehicle or trailer to be sent to the owner shown on the face of the title rather than to the first lienholder. Also it allows notice of subordinate liens to be sent electronically and makes it a class A misdemeanor for an owner to fail to name the lienholder in the application for title (Chapters 301 and 306). Any person who knowingly and intentionally sends a document releasing a lien on a motor vehicle without the authority to do so shall be guilty of a class C felony (Section 301.640).

This act revises the process for certain corporations to file their annual reports to the Secretary of State. It allows corporations to change their registered office or registered agent with the filing of its annual registration report, and it allows communications and forms between the Secretary of State and corporations to be electronic. It also requires the Secretary of State to furnish forms of annual corporate registration reports to any corporation upon request. The act requires that failure to file the annual registration report will result in the administrative dissolution of the corporation. It also requires corporations that are not required to file franchise tax reports to still file annual corporation registration reports on time (Sections 351.120, 351.140, 351.145, 351.150 and 351.155, 355.856 and 356.211).

Articles of agreement involving a bank shall include additional information shareholder rights (Section 362.020). Changes are made to the procedure used by a bank to become a trust company (Section 362.117). Restrictions regarding the amount of unimpaired capital lent by a bank and investment in the stock of a private corporation are amended (Section 362.170). The act changes procedures for the actions of a Board of Directors of a bank when immediate action is required (Section 362.275). The act makes changes to the power of a bank to appoint officers (Section 362.335).

Charges for late payment in motor vehicle installment contracts are amended (Section 365.100). The act includes procedures for late renewal of a business entity insurance producer (Section 375.018). New types of insurance may be sold by credit insurance agents and the act includes provisions on licensing credit insurance agents and organizations (Section 375.065). Insurers are authorized to provide insurance materials in languages other than English (Section 375.919).

The act requires that the actuarial method be used for calculating refunds on prepayment of obligations from premium finance companies and on motor vehicles, insurance policies, small loans, and retail time contracts (repeals the "Rule of 78"). It also requires that all credit contracts with interest or time price differential calculated on an add-on basis, regardless of the length of term, be computed on the basis of the originally contracted rate.

The act modifies a number of provisions regarding secured transactions in Article 9, Uniform Commercial Code (Sections 400.9-102 to 400.9-710). These changes involve filing requirements for perfections of liens, the priority of certain security interests and liens, perfection requirements for liens

on mobile homes and various technical changes.

The act provides that no person, other than the cardholder, shall disclose more than the last five digits of a credit card or debit card on a sales receipt. It shall also be an unlawful practice to use a scanning device or reencoder to obtain information from a credit card with the intent to defraud the cardholder, issuer or merchant. The first violation of this act is an infraction. Every subsequent violation is a Class A misdemeanor. The effective date of the act is January 1, 2003, and shall apply to machines placed into service after that date. Machines existing before January 1, 2003 become subject to the act on January 1, 2005. The act also provides the venue for prosecution of the fraudulent use of a credit or debit card.

The act changes the type and amount of fees that can be charged in small loans (Section 408.140). When a lender sells collateral in which an action for deficiency could be filed against the borrower, the act provides for the lender to give notice in accordance with sections 400.9-613 and 400.9-614 (Section 408.557).

Certain securities agents and investment advisers are granted temporary permits if transferring from one broker to another within the state (Section 409.204). The burden of proving an exemption from regulation based on being a federally covered security falls on the person claiming it (Section 409.402).

Currently, a corporation must file a notarized statement when registering a fictitious name with the secretary of state. The act requires the execution of a fictitious name form under penalty of law (417.210).

The act modifies the duty of a financial institution regarding liens made in enforcing child support awards. The act requires the financial institution to notify the division of child support which, in turn, notifies the non-custodial parent. Currently, the financial institution is responsible for notifying the non-custodial parent. The act also allows the financial institution to retain surrendered funds in escrow pending a hearing if the non-custodial parent challenges the lien. The department of revenue must set up a database for child support liens on cars, watercraft and manufactured homes that can be accessed by lienholders, dealers and buyers to determine if there is an existing lien (Section 454.516).

The act makes it a crime to use a credit device to pay property taxes and to knowingly cancel the charges or payment

without just cause (Section 570.130).

The act modifies the process for perfecting liens on manufactured homes. The act defines what the notice of lien must contain and covers perfection of a subordinate lien. The department of revenue must notify lienholders of the receipt of a notice of lien within 15 business days after the filing of the notice.

This act contains provisions that are similar to SB 931, HB 1712 and HB 1762 (2002).

The effective date for the repeal and reenactment of the provisions concerning lapsed license renewal for insurance businesses; liens; encumbrances; certificates of ownership of land and sea vehicles, trailers, and manufactured homes; and the change to the actuarial method of calculating refunds is January 1, 2003.

JIM ERTLE

Sponsor: Westfall

Handler: Koller

CCS/HS/SCS/SBs 915, 710 & 907 - This act submits a transportation funding package to the voters in August 2002. If a majority of the voters approve the funding package, the gas tax would be raised by 4 cents (17 cents to 21 cents) and the general sales tax would be raised by a 1/2 cent. The 1/2 cent sales tax would be distributed as follows:

(1) 20% of increased sales tax to multimodal fund and requires 1/3 of this amount shall be used exclusively for capital improvements.

(2) 2% of the increased sales tax shall be deposited in, an equal amount, in the Missouri Qualified Fuel Ethanol Producer Incentive Fund and the Missouri Qualified Biodiesel Producer Incentive Fund.

(3) 78% of the increased sales tax shall be deposited in the State Road Fund.

(4) One-half of the increased sales tax on motor vehicles is distributed to the above funds in the same amounts, while the other half is distributed pursuant to the Missouri Constitution.

This act also authorizes the director of the department of

transportation to appoint an inspector general within MoDOT to perform investigations.

This act eliminates certain state offices, departments and elected offices from using highway user revenues from the state highways and transportation department fund. However, the Highway Patrol, the Department of Revenue (their actual costs in collecting highway revenues) and the actual costs incurred by the Office of Administration on behalf of the Highway Patrol and employees of the Department of Revenue are still authorized to use this fund. Appropriations to the Highway Patrol must be made in accordance with the Constitution. The inspector general is authorized to audit this fund to ensure compliance.

This act shall be submitted to the vote of the people in August 2002. In 2012, the voters will be asked to decide whether the additional revenues generated under this act shall be continued. If that measure is rejected, the increased sales tax and gas tax rates will return to today's current level.

STEPHEN WITTE

Sponsor: Klarich

Handler:

SCS/SB 918 - This act excludes a properly displayed United States flag from regulation by state statute or city, town or village ordinance. A properly displayed flag is one that contains no additional design or embellishment and is displayed consistent with federal law, pursuant to the normally accepted guidelines for the display of the U.S. flag.

JIM ERTLE

Sponsor: Sims

Handler: BARRY

CCS/HS/HCS/SS/SCS/SBs 923, 828, 876, 694, & 736 - This act modifies various provisions relating to children and families.

ADOPTION - This act limits the state's allowable fee for processing certain adoption documents to \$100 per child per adoption, or per multiple children adopted at the same time. Current law allows a fee of \$10 per document. This provision is similar to SB 1258 (Section 28.160).

Current law allows a person to claim the sale of a special

needs adoption tax credit to not-for-profit entities at a discount rate of seventy-five percent or greater of the amount sold. This act removes the limitation that the sale must be to a not-for-profit entity (Section 135.327).

MEDICAL RECORDS - Current law sets handling and per page fees for medical records. This act allows an adjustment on February 1 of each year based on the medical care component of the consumer price index. The Department of Health and Senior Services must report the adjustment on its website by February 1 of each year. Section 191.233 regarding medical record fees is repealed (Section 191.227).

NEWBORN HEARING SCREENING - Current law requires health care facilities to perform hearing screenings on newborns prior to discharging them. This act requires the continuation and completion of a hearing screening at a different facility if the newborn is transferred. The transferring facility must notify the receiving facility of the need for completion of the screening. This provision is identical to SB 1244 (Section 191.925).

WELFARE - By December 1, 2002, and annually thereafter, the Division of Family Services must submit a report to the Governor and General Assembly regarding welfare reform in Missouri. This provision is identical to SB 732 (Section 208.344).

CHILD PROTECTION - This act adds child assessment centers in Camden county, Clay-Platte county, and the Lakes area. This provision is similar to SB 640, HB 2061 (Section 210.001). This act adds ministers as mandatory reporters of suspected child abuse or neglect (Sections 210.115, 352.400).

Current law establishes the child abuse hotline. This act prohibits a parent, guardian, or custodian from being named in the registry if a child is found to require community-based services (Section 210.145).

This act modifies the definition of "child care facility" to include a business establishment which provides child care for its customers or employees for no more than four hours per day (Section 210.201).

CHILDREN'S HEALTH INSURANCE PROGRAM - The Children's Health Insurance Program is extended to July 1, 2007. Current law sunsets the Program as of July 1, 2001. This provision is substantially similar to HB 1926, SB 1111 (Section 208.631).

FOSTER CARE - A new section is created to outline foster parent

rights and responsibilities, including training, confidentiality of information, and daily decisions for the child. This provision is similar to SB 828 (Section 210.566)

This act allows foster parents to be automatically registered with the Family Care Safety Registry at no additional cost. This provision is similar to SB 876 (Section 210.906)

CHILDREN'S PRODUCT SAFETY - A new section requires the Department of Health and Senior Services to provide child care facilities with a comprehensive list of unsafe children's products. Initial notification for facilities must be on or before July 1, 2003, and quarterly thereafter. If a facility fails to dispose of a product after notice is given, it will be a violation under the inspection. This provision is similar to SB 1068 (Section 210.1007).

MENTAL HEALTH TREATMENT SERVICES - Current law grants exclusive jurisdiction to the juvenile court in certain cases. This act adds that jurisdiction will also be granted when a child or person is seventeen years old, in need of mental health services, and parent is unable to provide access to appropriate mental health services (Section 211.031).

Currently, the law outlines provisions for children to obtain treatment services. This act allows the court to order that the child receive such services in the least restrictive setting, based on an individualized treatment plan (Section 211.181).

CHILD LABOR - Current law lists exclusions from the definition of "employ". This section is modified by removing from the exclusions the delivery or sales of magazines or periodicals, and adds certain agriculture work (Section 294.011).

The provision is deleted allowing a child to work during the school term if there has been an exemption issued by the Director of the Division of Labor Standards. The child may still work if issued a work permit or certificate (Section 294.024).

The hours per day exemptions are modified to apply only to employment in the entertainment industry. It also provides that the regional fair exceptions shall not apply to entities covered by the FLSA (Section 294.030). The age at which door-to-door selling may occur is increased from sixteen to eighteen years of age (Section 294.043).

The Director of the Division of Labor Standards must require production of work permits and to require employers to retain

records for two years (Section 294.090). The Director may also consider the size of a business when determining civil damages (Section 294.121). Electronic processing will now be allowed (Sections 294.060, 294.090, and 292.141) These provisions are similar to SB 1139.

GRANDPARENT VISITATION - Current law allows the court to grant grandparent visitation in certain situations. As modified by this act, the situations are as follows:

(1) When the parents are getting divorced or are divorced and have denied visitation;

(2) When one parent of the child is deceased and the surviving parent denies visitation to a parent of the deceased parent of the child;

(3) When the child has lived in the grandparent's home for at least six months of the previous 2 years;

(4) When a grandparent has been denied visitation for over ninety days, however, if the natural parents are married and living together, then the grandparent may not file for visitation; or

(5) The child is adopted by a stepparent, another grandparent, or relative.

Currently, the court must decide if the grandparent visitation would be in the child's best interests. This act provides that if the natural parents are currently married and living together, then a rebuttable presumption exists that the parents know what is in the best interest of the child This provision is similar to SB 1192, HB 1243 (Section 452.402).

NATIONAL MEDICAL SUPPORT NOTICE - The act requires the use of National Medical Support notice to enforce health benefit plan coverage required in child support orders. Current law requires the Circuit Clerk to send notice to employers when a parent has been ordered to provide health insurance coverage for a child. Current language is deleted regarding the contents of the notice and new language requires the notice to comply with the National Medical Support Notice (NMSN) as required by federal law. All employers, unions, and plan administrators must also comply with the NMSN. The Division of Child Support Enforcement must give notice within two days of notification of the employee's hire and must also promptly notify employers when an order for medical support is no longer in effect. The notice must contain certain information and is binding on current and subsequent employers. Withholdings may not be held pending the outcome of a hearing (Sections 454.606 - 454.700).

Currently, the Circuit Clerk must also send a notice to the

obligor/parent. This act requires the inclusion of a statement that the parent may contest the notice within thirty days. The parent may contest based on mistake of fact or because the parent obtained other insurance prior to issue of the withholding order (Section 454.609).

The employer must currently transfer the notice to the health insurer upon receipt. This act requires such transfer within twenty business days. Within forty business days, the health plan administrator must notify the agency whether the child is covered, the effective date of the coverage, and provide forms regarding the coverage (Section 454.615).

Currently, there are certain steps the employer must take to enroll the child in the health benefit plan. This act clarifies that the employer must withhold the amount necessary to cover the child and send it to the health plan. The child must be enrolled in the least costly plan if a plan is not already designated. If the notice is a NMSN, the health plan must provide plan descriptions and the agency and the custodial parent will select a plan for the child. If the agency does not select a plan within twenty days, the health plan must enroll the child in its default option, if possible (Section 454.618).

Current law outlines procedures at the termination of an obligor's employment. This act requires the employer to notify the Division or agency of the obligor's location and new employer, if known (Section 454.627).

Current law also outlines procedures for COBRA coverage. This act prohibits the child from being terminated from coverage unless the insurer is given evidence that the order is no longer in effect, the child is or will be enrolled in a comparable plan, the employer eliminated health care coverage for all employees, or continuation of coverage is not chosen (Section 454.700). This provision is substantially similar to SB 1160.  
ERIN MOTLEY

Sponsor: Klarich

Handler: Smith

HCS/SB 932 - This act provides the notice due to a tenant when the landlord sells the rented property in counties of the first classification. In such counties, the notice may be attached to a notarized affidavit executed by the prior owner of the property and the new owner indicating the property has been transferred and the date on which the transfer occurred. This



This act extends to public community junior colleges the same access as school districts regarding participation in the Missouri Health and Educational Facilities Authority (MOHEFA) direct deposit agreements.

This act contains the provisions of SCS/HB 2022 and SCS/HB 1477.

DONALD THALHUBER

Sponsor: Gibbons

Handler: Griesheimer

HCS/SB 950 - This act designates a strip of I-44 located within St. Louis County and Franklin County as the "Henry Shaw Ozark Corridor".

This act is identical to HB 1645.

STEPHEN WITTE

Sponsor: Loudon

Handler: Reid

HCS/SCS/SB 957 - This act clarifies that those who served in the reserves or national guard in Operation Enduring Freedom are also eligible for the special license plates.

This act also adds a new section which allows those who served in the military, including the reserves or national guard, in Operation Noble Eagle are eligible for special license plates.

STEPHEN WITTE

Sponsor: Kenney

Handler: Rizzo

SS/SCS/SB 959 - This act allows the Director of the Department of Economic Development to issue an opinion whether a nonresident investment funds service corporation or S corporation may apply the separate multistate income calculation set forth in subdivision 5 of subsection 2 of Section 143.451, RSMo. That subdivision considers qualifying sales of such corporations to be considered wholly within Missouri only to the extent that the fund shareholders of the investment companies reside in Missouri.



Sponsor: Kennedy

Handler: Gambaro

SCS/SB 966 - This act allows for a special license plate bearing the St. Louis College of Pharmacy emblem. To obtain the plate, a person must get a use authorization statement (for a \$25 contribution) from the St. Louis College of Pharmacy and present the statement along with any other documents which may be required and payment of a \$15 fee in addition to the regular registration fees to the Department of Revenue. The fee for personalized license plates will not be required.

This act is identical to HB 156 (2001).

STEPHEN WITTE

Sponsor: Kennedy

Handler:

SB 967 - This act allows spouses or dependents of deceased retired police officers and employees of the police department who receive a pension to purchase health, medical and life insurance at the rate the deceased would pay if he or she was living.

SARAH MORROW

Sponsor: Westfall

Handler: Smith

CCS/HS#2/HCS/SS/SCS/SBs 969, 673 & 855 - This act relates to the prevention and prosecution of sexual crimes.

MEGAN'S LAW - This act allows the Highway Patrol to search the sex offender registry when conducting background checks for potential employees of day cares, residential care facilities and youth services agencies. The Highway Patrol will inform the agency or provider of the address and the offenses of the applicant (Section 43.540). This language is also contained in the conference substitute for SB 758.

MISSOURI REGIONAL COMPUTER FORENSICS LABORATORY - The Missouri Regional Computer Forensics Laboratory (RCFL) is created. RCFL combines local, state and federal resources to research and combat computer and Internet-related crimes. RCFL will be under the control of the Highway Patrol (Sections 43.653-43.569).

EVALUATION OF JUVENILE SEX OFFENDER REGISTRY LIST - Parole boards are allowed to consider information listed on the juvenile sex

offenders registry if the offender being considered for parole is between the ages of 17 and 21 (Section 217.690).

BAIL NOT PERMITTED - Adds the crimes of first degree statutory rape, forcible sodomy and first degree statutory sodomy to the list of crimes that are ineligible for bail post-conviction (Section 547.170).

DANGEROUS FELONY LIST - The list of dangerous felonies is expanded to include: (1) attempted forcible rape if physical injury results; and (2) attempted forcible sodomy if physical injury results (Section 566.061).

SKILLED NURSING FACILITY - An owner or employee of a skilled nursing facility having sexual contact with an Alzheimer's patient or with a resident of a living care facility is guilty of a Class B misdemeanor. If sexual intercourse occurs, it becomes a Class A misdemeanor. Consent of the victim is not a defense (Section 565.200).

HARASSMENT - Expands this section to include electronic or other communication (Section 565.225).

INVASION OF PRIVACY - This act creates the crimes of first and second degree invasion of privacy. First degree invasion of privacy is a Class D felony and second degree invasion of privacy is a Class A misdemeanor (Sections 565.252-.253).

SEXUAL CONTACT - Expands the definition of "sexual contact" to include touching through clothing (Section 566.010).

SEXUAL MISCONDUCT - Cleans up language due to the expansion of the definition of "sexual contact" (Section 566.090).

BESTIALITY - The crime of bestiality is created as a Class A misdemeanor. If the person has previously been convicted of this crime, the act becomes a Class D felony. Animals in the defendant's possession may be subject to a civil forfeiture or may be required to attend counseling (Section 566.111).

SEXUAL CONTACT WITH AN INMATE - A person who is an employee of or assigned to work in any correctional facility who has sexual intercourse or deviate sexual intercourse with an inmate or resident of the facility is guilty of a Class D felony (Section 566.145).

ENTICEMENT OF A CHILD - This act creates the crime of enticement of a child. A person commits the crime of enticement if he or she is at least twenty-one years old and persuades, solicits,



Sponsor: Singleton

Handler: Hunter

HCS/SCS/SB 980 - This act revises the licensure procedures for physical therapist applicants who are licensed in another state. This act removes the requirement that the laws of the state in which the applicant is already licensed must be substantially equal to or greater than the licensure laws of Missouri. Applicants must, instead, show proof that their degree is either approved by the Commission on Accreditation in Physical Therapy Education (CAPTE) or equivalent to such a degree. Applicants must also show English proficiency.

Currently, the Board must deny licensure to any applicant who has failed any physical therapist licensing examination three or more times. This act removes this restriction.

ERIN MOTLEY

Sponsor: Steelman

Handler: Merideth

CCS/HS/SS#2/SCS/SBs 984 & 985 - This act makes several changes relating to the Department of Natural Resources.

ETHANOL PRODUCER PAYMENTS (Section 142.028) - This act expands the definition of a "Missouri Qualified Fuel Ethanol Producer" to be at least 51% owned by agricultural producers actively engaged in agricultural production. This portion is similar to CCS/SS#2/SCS/HB 1348 (TAT) (2002).

TERRITORIAL AGREEMENTS (Section 204.472) - The act provides that when all or part of a territory of a sewer district is located in Butler County is annexed into Poplar Bluff, but is not receiving municipal water service at the time of annexation, the district and city may develop an agreement for the provision of service to the annexed territory. Such an agreement may be developed for any territory annexed between January 1, 1996 and August 28, 2002, but was not receiving sewer service on August 28, 2002. Requirements for the agreement and procedures where an agreement cannot be reached are provided. This portion is similar to SCS/HS/HCS/HB 1650 (2002).

PUBLIC WATER DISTRICTS - The act allows a petition for the formation of a public water supply district to become final and conclusive if signed by at least fifty owners of real property within the boundaries of the proposed district. Under current law, the petition must have voter approval before becoming final and conclusive. The act establishes petition publication criteria including newspaper publication. This portion is

similar to SCS/HS/HCS/HB 1650 and CCS/SS/HB 1748 (TAT)(2002).

SOLID WASTE MANAGEMENT (Section 260.200) - The act removes the ban on disposing of microwave ovens in landfills. This portion is similar to SCS/HS/HCS/HB 1650 (2002).

WATERSHED DISTRICTS (Section 278.258) - The act allows any county that has not adopted an annual watershed district tax that is within a watershed subdistrict to detach from the subdistrict. Detachment from the subdistrict must be approved by a majority of the landowners in the county. The detachment must take place before an annual tax is adopted. The watershed district trustees must make arrangements for the county to pay any outstanding indebtedness for services or works of improvement before the detachment. Watershed district trustees must certify the separation with the recorder of deeds in each county in which the subdistrict lies and with the State Soil and Water Commission. This portion is identical to HB 2113 and CCS/SS/HB 1748 (TAT) (2002) and similar to SCS/HS/HCS/HB 1650 (2002).

LIQUEFIED PETROLEUM GAS RETAILERS (Section 323.060) - The act exempts registered retailers from liability for actual or punitive damages for any injuries caused by the installation, modification, repair, or servicing of equipment and appliances used with liquefied petroleum gas. The act does not limit liability for gross negligence or willful or wanton acts.

SEWER COMPANIES (Section 393.847) - The act specifies that every nonprofit sewer company shall be supervised and regulated by DNR to the same extent and in the same manner as any other nonprofit corporation who treats wastewater. This portion is similar to SCS/HS/HCS/HB 1650 and CCS/SS/HB 1748 (TAT) (2002).

MTBE (methyl tertiary butyl ether) - After July 1, 2005, MTBE is no longer to be offered or sold in Missouri. This portion is contained in CCS/SS#2/SCS/HB 1348 (TAT) (2002).

BIODIESEL (Section 414.365) - This act requires the Department of Transportation to develop a program for the use of alternative fuels in the Department's vehicle fleet and heavy equipment that use diesel fuel. This portion is similar to HCS/HB 1472 (2002).

PRIMACY FEE (Section 640.100) - This act extends the drinking water primacy fee to September 1, 2007. This portion of the act is similar to CCS/SS/HB 1748 (TAT) and SCS/HS/HCS/HB 1650 (2002).

BURDEN OF PROOF (Section 640.825) - In all matters heard by

the Environmental Hearing Commission the burden of proof shall be on DNR or the Commission initially making the finding or decision. However, in appeals involving the denial of a permit, license or registration, the burden of proof shall be on the applicant. This portion is similar to provisions of SB 881, SS/SCS/HS/HCS/HB 1962, SCS/HS/HCS/HB 1650 (2002), and CCS/SS/HB 1748 (TAT)(2002).

AIR BANKING AND TRADING (Section 643.220) - This act revises the air emissions banking and trading program by clarifying use of air emission reduction credits. In order for air emission reduction credits to be tradeable between air emission sources, the air emission reduction credits would be based on air emission reductions that occur after August 28, 2001, or must be credits that exist in the current air emissions bank. This portion is similar to SB 1163 (2002).

AQUACULTURE (Sections 644.016, 644.051, 644.052) - This act revises provisions relating to water permitting for aquaculture. Aquaculture is defined as the controlled propagation, growth, and harvest of aquatic organisms.

Prior to issuing a general permit or permit by rule the Director of the Department of Natural Resources must hold meetings with permit holders, applicants and the public to evaluate pollution impacts of pollutants. After the meetings the Director would draft the permit considering the comments of the meeting and post it for public comment. The Director must also concurrently post an explanation with the draft permit which shall identify types of facilities which are subject to the permit. A hearing may be requested on the draft permit.

After consideration of the comments the final permit would be issued. The time between the request for the hearing and the hearing date will not be calculated for purposed of the time frames in which a permit must be issued.

Unless requested by the facility, aquaculture facilities will not be required to obtain site-specific permits but will obtain general permits. However, facilities which materially violate the conditions and requirements of the general permit may be required to obtain a site-specific permit. The fee for aquaculture facilities is capped at \$250. This portion is similar to SB 1072, SCS/HS/HCS/HB 1650 and CCS/SS/HB 1748 (TAT)(2002).

CLEAN WATER COMMISSION (Section 644.036)- Requires the Clean Water Commission to adopt any listing required by section 303(d) of the Clean Water Act to be promulgated by rule pursuant to

chapter 536. This portion is similar to SS/SCS/HS/HCS/HB 1962, SCS/HS/HCS/HB 1650 and CCS/SS/HB 1748 (TAT)(2002).

BONDING FOR STORMWATER PROJECTS (Sections 644.578) - 644.580)- This act changes the date for authorizations for bonding for water sewer and stormwater projects. Current law authorizes the Board of Fund Commissioners to issue bonds for grants and loans pursuant to several sections in Article III of the Missouri Constitution which are administered by the Clean Water Commission and relate to water, sewer and stormwater projects. Current law states the authorizations are in addition to amounts authorized prior to August 28, 2002. This act changes the date to August 28, 2003. This portion is identical to SB 985, SCS/HS/HCS/HB 1650 and CCS/SS/HB 1748 (TAT)(2002).

COAL-FIRED CYCLONE BOILER EMISSIONS (Section 1)- This act limits emissions for coal-fired cyclone boilers which use tire derived fuel to 80% of the emission limit pursuant to the Clean Air Act. This portion is also contained in SB 1011 (TAT) and CCS/SCS/HB 1402 (TAT)(2002).

CINDY KADLEC

Sponsor: Johnson

Handler: Rizzo

HCS/SB 992 - This act authorizes Buchanan County to apply for a grant from the Contiguous Property Redevelopment Fund administered by the Department of Economic Development.

This act authorizes any town, city or village in this state to establish an "historic preservation revolving fund". Moneys in the fund shall be used to protect and preserve historic properties. Historic properties eligible for the such protection and preservation must be eligible for nomination to the National Register of Historic Places.

Municipalities may use money from the fund to acquire interests in historic properties. The interest acquired must be reasonably necessary for the continued protection and preservation of the property. Historic property cannot be acquired by condemnation under this act. Municipalities may dispose of interests in the property to any person or organization, including the former owners. Any conveyance must include provisions requiring the property to revert back to the municipality if the property is not operated, maintained, restored or repaired in accordance with this act. Any conveyance must also contain provisions to limit the property's future use



companies can remain competitive.

The proposed changes are a comprehensive update to Missouri's existing law on derivatives based upon the NAIC Model law and Illinois law. Under the definitions, limitations and conditions contained in the proposed law, derivative transactions can only be used for prudent reduction of risk and not to increase risk or for speculative purposes.

This act defines the various types of derivative transactions including a "hedging transaction" (used to protect against changes in value of assets and liabilities or to generate income or enhance return - Section 375.345.1 (12)), and "replication transaction" (used to replicate the investment characteristics of another investment - Section 375.345.1(18)).

The most common type of derivative transaction is hedging, which is used to protect against changes in the interest rates or values associated with another asset held by the company. Under this act, to engage in derivative transactions, an insurance company must be prepared to:

- (1) Demonstrate to the Director the intended hedging characteristics and effectiveness of the derivative transaction;
- (2) Maintain its position in any outstanding derivative transaction for as long as the hedging transaction continues to be effective;
- (3) Include all counter-party exposure amounts in compliance with the single-entity investment limitations contained in Missouri law;
- (4) Comply with any additional conditions imposed by the Director by regulation; and
- (5) Have the policies and record-keeping procedures approved by its Board of Directors (Section 375.345.2)

As an additional safeguard, Section 375.345.2(3), (4) and (5) contain the following quantitative limits on the ownership of derivatives:

- (1) With respect to hedging transactions: purchased options, caps, floors and warrants can not exceed 7 1/2 percent of admitted assets; written options, caps and floors can not exceed 3 percent of admitted assets; and collars swaps, forwards and futures can not exceed 6 1/2 percent of admitted assets;
- (2) With respect to income generation transactions, the limit of 10% of admitted assets; and
- (3) With respect to replication transactions the limits are the same as those that apply to the replicated asset or investment.

This act prohibits life insurance companies from owning investments in an amount in excess of certain limitations based upon certain admitted assets, capital and surplus as shown its last annual statement (Section 376.307)

**BUSINESS AFFILIATES** - This act allows business entities affiliated with insurers to be qualified managers of investment pools. The proposed change to this section authorizes a business entity affiliated with an insurer to invest in qualified investment pools under the same conditions that apply to the insurer. Under the current law only affiliated insurers can invest in qualified investment pools. This change is consistent with the current NAIC Model Law. This provision is contained in SCS/HB 1568 (2002) (Section 376.311).

**ANNUITIES** - This act modifies the law with respect to annuity contracts. Under the provisions of this section, for any contract issued on or after July 1, 2002, and before July 1, 2004, the interest rate shall be 1.5% for determining minimum nonforfeiture amounts (Section 376.671 ). This provision is contained in SCS/HB 1568 (2002).

**LONG -TERM CARE INSURANCE** - This act makes several changes to the long-term care insurance law. This act clarifies that the term "long-term care insurance" to include any insurance policy that meets the requirements of a "qualified long-term care insurance contract", as defined in Section 7702B of the Internal Revenue Code. This act requires the issuer of a long-term care contract to state clearly in its enrollment materials whether the contract is intended to be tax-qualified, pursuant to Section 7702B (Sections 376.951 - 376.1130).

This act requires the issuer to deliver the certificate of insurance to the applicant no later than 30 days after the date of approval. This act requires the long-term care policy summary to include a statement that any long-term care inflation protection option that may be required by the laws of Missouri is not available under the policy.

This act requires issuers to provide a written explanation for a denial of coverage within 60 days of receiving a written request for an explanation from the applicant. The issuer must provide all information directly related to the denial. This act allows insurers to rescind long-term care contracts upon a showing of misrepresentation. The degree of misrepresentation that must be proven will vary, depending on the length of time the policy has been in effect. This act prohibits a long-term care contract to be field issued based on medical or health

status (Section 376.1124).

This act prohibits an insurer from recovering benefits paid to the policyholder when the issuer rescinds the policy. This act requires insurers to offer a policy that includes a nonforfeiture benefit. If that benefit is declined, the issuer must then offer a contingent benefit upon lapse that will be available for a specified period of time following a substantial increase in premium rates. This act requires the Department of Insurance to promulgate rules creating the standards for nonforfeiture benefits, contingent benefits upon lapse, the length of time these benefits must run, and the extent to which premiums may be increased (Section 376.1127).

The Department of Insurance must also promulgate rules regarding marketing practices, agent testing, penalties, and reporting practices for long-term care insurance (Section 376.1130). The long-term care provisions are similar to those contained in SB 1180 and HB 1701 (2002).

MUTUAL INSURANCE COMPANY INVESTMENTS - This act allows stock and mutual insurance companies to invest in any investment in a Missouri tax credit or partnership interest which entitles the company to receive Missouri tax credits that may be used as a credit against the gross premium tax (Section 379.080 ). This provision is also contained in SCS/HB 1568 (2002).  
STEPHEN WITTE

Sponsor: Caskey

Handler: Monaco

SB 1011 - This act removes references to "used tires" from the provisions relating to the regulation of waste tires by the Department of Natural Resources. This portion of the act is identical to HB 1569 (2002).

COAL-FIRED CYCLONE BOILER EMISSIONS - This act limits emissions for coal-fired cyclone boilers which use tire derived fuel to 80% of the emission limit pursuant to the Clean Air Act. This portion is also contained in CCS/HS/SS#2/SCS/SBs 984 & 985 (TAT) and CCS/SCS/HB 1402 (TAT)(2002).  
CINDY KADLEC

Sponsor: Caskey

Handler: Lawson

HCS/SB 1012 - This act extends the period of payments from ten to fifteen years on guaranteed energy cost savings contracts.  
SARAH MORROW

Sponsor: Foster

Handler: Relford

SCS/SB 1015 - This act revises provisions relating to state parks. This act prohibits the Department of Natural Resources (DNR) from entering into or renewing a contract for a period exceeding 10 years unless the Director determines the extended contract period is necessary to allow the contractor to make substantial improvements to the site and the improvements are of sufficient value to necessitate the longer contract.

The Arrow Rock State Historic Site Endowment Fund is created. The initial deposit in the fund will be the bequest in the amount of \$21,965.92 from the Bill and Cora Lee Miller estate. The Arrow Rock State Historic Site Endowment Fund may only be used for the enhancement of Arrow Rock State Historic Site's public interpretive programs. The state treasurer may invest the monies in the fund in a manner as provided by law. Until 2100, DNR may annually only expend one-half the interest earned by the fund. Thereafter, all of the interest earned by the preceding year may be expended. Funds may only be expended upon appropriation. Any funds appropriated but not spent will revert back to the fund.

DNR is given authority to enter into agreements with private, not-for-profit organizations organized solely to further the interpretive, educational, and maintenance functions at the state parks. Proceeds from sales of publications and materials by these organizations shall be retained by the organization for use in furthering their functions.

SARAH MORROW

Sponsor: Bentley

Handler: Holand

SCS/SB 1024 - This act requires physicians to maintain adequate and complete medical records for their patients. Such records shall include identification of the patient, appointment dates, current status, observations, diagnosis, plan for treatment including prescriptions, and record of consent.

Records must be maintained for at least seven years. Changes to records which occur forty-eight hours after the last entry must be noted. A consultative report will be adequate for certain persons. The Board of Registration for the Healing Arts may not discipline a person solely for violation of this section. Finally, the Board may not obtain a patient's medical record without the patient's written consent or a subpoena.

This act is identical to the House perfected version of HB 544 (2001).  
ERIN MOTLEY

Sponsor: Kenney

Handler: Barry

CCS/HS/SCS/SB 1026 - This act modifies provisions relating to insurance coverage for cancer treatment and other inherited diseases.

Current law outlines procedures for making an anatomical donation. This act allows minors age sixteen or older to make an anatomical donation with parental consent. The consent must be noted on the minor's donor card, application, driver's license, or other gift document. Brackets are removed from the family member objection language in 194.220.2 and 194.220.3. This provision has an effective date of July 1, 2003 (Section 1). This provision is identical to SB 871 (Sections 194.220 and 194.230).

A new section requires health insurance companies to provide coverage for routine patient care costs incurred as the result of phase III or IV of clinical trials undertaken to treat cancer. Entities providing clinical trial treatment must have sufficient expertise and training to treat a sufficient number of patients. There must be identical or superior non-investigational treatment alternatives available before providing clinical trial treatment. Clinical trial coverage shall include coverage for drugs and devices approved by the FDA, whether or not the FDA has approved the drug or device for the patient's particular condition. The clinical trials will only be covered if they are approved or funded by certain entities. Providers participating in clinical trials shall obtain the patient's informed consent for participating in the clinical trial. This provision is similar to SB 827 (Section 376.429).

Current law mandates health insurance coverage for formula used in the treatment of phenylketonuria. This act also requires coverage for low protein modified food products intended for the

treatment of inherited metabolic diseases. This provision is similar to HB 1695 (Section 376.1219).

A new section allows a physician to refer a patient who has been newly diagnosed with cancer to a specialist for a second opinion regarding the patient's treatment. Insurance companies must provide coverage for the second opinion rendered by the specialist. A referral must be given to an out of network specialist if a specialist is not available within the provider's network. This provision does not apply to certain insurance policies (Section 376.1253).

A new section requires certain health carriers and benefit plans to cover human leukocyte antigen testing for use in bone marrow transplantation. Testing must be performed in an appropriate facility. A form indicating informed consent must be completed which will authorize use of the results in the National Marrow Donor Program. Health plans may limit enrollees to one testing per lifetime to be reimbursed at a cost of no more than \$75, but may not charge extra fees for the test. This provision is similar to SB 871 (Section 376.1275).

ERIN MOTLEY

Sponsor: Russell

Handler: Luetkemeyer

SB 1028 - This act amends certain procedures in the creation of a law enforcement district. Once a petition for creation of such a district is filed, the act provides a process for holding a public hearing on the proposed district. Current law allows the owner of property or any registered voter within the proposed district to object to the proposed district, but does not require a public hearing on the proposed district.

JIM ERTLE

Sponsor: DePasco

Handler: Curls

HS/HCS/SB 1039 - Under current law, all seven members of the Kansas City Housing Authority Commission are appointed by the mayor, with one member from each of the six city council districts and the seventh member a tenant of a housing authority project. All commissioners must have resided in Kansas City for at least five years. Under the terms of this act, six commissioners will be nominated by a nominating committee and

appointed by the mayor, and one commissioner will be elected by the tenants of the housing authority. All must be residents of Kansas City for at least one year. One of the appointed commissioners must be receiving Section 8 housing assistance; and one member must own rental property in Kansas City, but not any property containing public housing. Each commissioner will receive a stipend of \$200 per month, plus reimbursement for travel and conference expenses.

JIM ERTLE

Sponsor: Russell

Handler: Gratz

SB 1041 - This act authorizes the conveyance of certain private property to the Department of Natural Resources and the conveyance of certain state property to private ownership. The act also authorizes the conveyance of certain state property in Cole County to the Department of Natural Resources in return for an easement of ingress and egress to remaining state property. The act authorizes certain state property in Cole County to the General Services Administration or the Missouri Development Finance Board in Return for property of like value to the state. In addition, the act authorizes the Governor to convey certain property to the Gingerbread House in the event any tract of property described in this act is conveyed.

JIM ERTLE

Sponsor: Kenney

Handler: Reinhart

SB 1048 - This act makes a technical correction to cite the Spinal Cord Injury Fund established pursuant to Section 304.027, rather than Sections 302.133 to 302.138, RSMo.

ERIN MOTLEY

Sponsor: Gibbons

Handler: Hosmer

HCS/SCS/SB 1070 - This act authorizes the Highway Patrol to inform providers whether an applicant for employment is a registered offender under "Megan's Law". This act also requires the information from the registry be made available to other entities, as provided for by law.

Sex offenders convicted after July 1, 1979, are required to register with the chief law enforcement officer of the county in which the sex offender resides within 10 days of his or her conviction, release from incarceration, or being placed on probation. Offenders who are not currently registered are required to register with the chief law enforcement official within ten days of the effective date of this section.

This act adds statutory rape, sexual assault, forcible sodomy, statutory sodomy, deviate sexual assault, and sexual abuse to the list of crimes for which an appeal bond can be denied.

SARAH MORROW

Sponsor: Klindt

Handler: Lawson

SCS/SB 1071 - This act revises current weights and measures law. This act repeals certain interest and penalty provisions for unpaid receivables and replaces them with an administrative hearing.

This act is similar to HB 2097 (2002).

SARAH MORROW

Sponsor: Kennedy

Handler: Hoppe

HCS/SB 1078 - This act provides that the Director of the Department of Revenue shall be the custodian of the "Statutory County Recorder's Fund". Current law provides that the State Treasurer shall be custodian of the Fund. Moneys in the fund shall be deemed non-state funds.

This act provides that the Department of Revenue, not the Secretary of State, shall administer the Uniform Commercial Code transition fee trust fund, that a portion of filing fees will be deposited into the UCC transition fee trust fund, revises the duties of Secretary of State with regard to the fund, and provides that the moneys in the fund shall be deemed non-state funds.

This act is similar to SB 1030 (2002) and portions of SB 931 (2002).

Sponsor: DePasco

Handler:

CCS/HCS/SCS/SBs 1086 & 1126 - This act allows the cities Independence and Excelsior Springs to order the abatement of weeds and trash within five business days after notice is sent or posted on the property. If the weeds or trash are not removed within five days, the city may have them removed and the cost of removal billed on a special tax bill to be collected by the collector with other taxes assessed against the property.

Kansas City is authorized to enact ordinances for the abatement of a condition on a lot that has vacant buildings or structures open to public entry.

Jefferson County is authorized to enact ordinance providing for the abatement of a number of conditions on lots or land that are considered unhealthy or unsafe and declared to be a public nuisance. The act provides for certain conditions that must be a part of the abatement ordinance. The ordinance must provide that the building commissioner shall cause the removal of the nuisance within seven days of giving notice to the owner, if such owner fails to remove the nuisance.

The act modifies provisions related to actions for temporary possession of real property filed by non-profit organizations to rehabilitate the property. Under current law, an organization petitioning for temporary possession of abandoned property must use the property for low- or moderate-income housing. This act deletes that requirement.

Currently, in Jackson County, such organization may seek title to the property after the expiration of the one-year period following entry of the order granting temporary possession. This act provides that the organization may seek title after completing the rehabilitation work. The owner of the property may seek repossession of the property before the rehabilitation is completed. The court shall decide whether to restore possession to the owner and, if so, how much compensation is owed by the owner to the organization for the rehabilitation work.

The act provides that the organization must file quarterly reports on its rehabilitation and use of the property. Under current law, the organization was required to file an annual report.

The owner of the property may petition the court for repossession of the property. The court must determine whether the owner is able to complete rehabilitation of the property if such work has not been completed by the organization. If the court determines that the owner is unable to complete the work, then the court shall not restore possession to the owner. If the owner is able to finish the rehabilitation or it has already been completed, then the court restore possession to the owner and determine appropriate compensation to the organization.

This act contains provisions that are similar to SB 682, HB 1213, and HB 1634 (2002).  
JIM ERTLE

Sponsor: Loudon

Handler: Hilgemann

HCS/SCS/SB 1093 - This act revises the language regarding the registration of historic motor vehicles. Any person wishing to register a plate which is over 25 years of age and is consistent with the year of manufacture of the motor vehicle, may register the plate as an historic vehicle plate. The plate must not contain a configuration of letters or numbers already issued to another vehicle owner. The owner of the historic vehicle must keep the certificate of registration in the vehicle at all times. The Director of Revenue shall develop a sticker or decal which the owner of the motor vehicle shall affix to the plate.  
STEPHEN WITTE

Sponsor: Russell

Handler: Ladd Baker

HCS/SB 1094 - This act extends the sunset for the nursing facility reimbursement allowance to September 30, 2005. Current law sunsets the reimbursement allowance on September 30, 2002. This act also exempts any religious or charitable 501(c)(3) program for all-inclusive care for the elderly (PACE) project from being considered as a health maintenance organization.  
ERIN MOTLEY

Sponsor: Westfall

Handler: Wright

SB 1102 - This act allows County Prosecutors with jurisdiction to prosecute nuisance cases along with the Department of Health and Senior Services (under Section 191.683, RSMo).

SARAH MORROW

Sponsor: Childers

Handler: Hoppe

CCS/HS/HCS/SS/SCS/SB 1107 - This act revises various provisions relating to emergency services.

Firefighters with between five and twenty years of employment may apply for a service retirement allowance at age sixty-two. Surviving spouses may receive fifty percent of the allowance upon the date the deceased would have reached age sixty-two (Section 87.207). Current language regarding the calculation of rates at which allowances will increase is removed (Section 87.207). In lieu of benefits, surviving spouses may work as consultants to the Board for compensation (Section 87.231). As of May 1, 2002, a retirement allowance of seventy percent of the deceased's next highest salary will be paid to a widow (Section 87.235). Any retired firefighter who is receiving an allowance of less than \$625 may act as a special advisor and receive an additional amount (Section 87.238).

Districts providing emergency services will receive reimbursement of between fifty and one hundred percent of the district's tax increment (Section 99.847).

The requirements to be a candidate for Ambulance District Director are revised (Section 190.050). Procedures for changes in the number of directors in a district and the recall of directors are created (Sections 190.051 to 190.054). Any person or entity that owns an automated external defibrillator used outside of a health care facility must have a physician review all protocols (Section 190.092). Current law requiring the presence of a mobile emergency medical technician when transporting a patient is deleted (Section 190.094). A definition is added for "emergency medical technician-intermediate", "proof of financial responsibility", "and "specialty care transportation" (Section 190.100).

Membership on the State Advisory Council on Emergency Medical Services is increased to sixteen, with one member from St. Louis city (190.101). With certain exceptions, each ground

ambulance must be staffed by two licensed emergency medical technicians. Owners of a ground or air ambulance service must notify the Department of Health and Senior Services within 30 days of the sale of the service and the Department shall conduct an inspection of the service to ensure compliance with licensure standards (Sections 190.105 and 190.108). Application requirements for an ambulance license are revised (Sections 190.109 and 190.120). Ambulance service providers must show proof of insurance or of financial responsibility with adequate reserves (Section 190.120). The Department must accredit or certify training for emergency medical technicians-intermediate (Section 190.131). Emergency medical response agencies in certain counties may be licensed to provide advanced life support services with services of EMT-Is (Section 190.133).

This act removes the provision regarding patients transported in vehicles other than ambulances (Section 190.142). Provided the person meets other current requirements for a temporary license, a person not currently licensed as an emergency medical technician in Missouri may be issued a 90-day temporary license (Section 190.143). Licensees with lapsed licenses may request a return to active status within two years of the lapse (Section 190.145). Additional compliance for licensure renewal and additional causes for discipline of an ambulance license are created. Any individual whose license has been revoked twice in ten years shall not be eligible for a new license (Sections 190.160, 190.165, and 190.171).

Any settlement agreement in a contested case against a licensee must be submitted to the administrative hearing commission for its approval. Any person directly harmed by the actions of a licensee may submit an impact statement to the Commission (Section 190.172).

A patient care document must be given to ambulance personnel by a health care facility for any transfer of the patient to a different facility (Section 190.175). Additional requirements for the promulgation of departmental rules are created (Section 190.185). Requirements regarding the reporting of certain felonies by licensees to the Department are created (Section 190.196).

Provisions regarding the use of epinephrine auto-injectors are created (Section 190.246). Any investigation into the violation of emergency services regulations must be completed within six months with full departmental access to records (Section 190.248).

The act creates procedures for the issuance and discipline

of a new license category for stretcher van services to transport persons in a supine position who do not require medical monitoring or treatment other than self-administered oxygen (Sections 190.525 to 190.537). Any person who violates the provisions of Sections 190.525 to 190.527 shall be guilty of a Class B misdemeanor (Section 190.534).

Should an emergency health care worker be exposed to a potentially infectious disease, the person to whom the worker was exposed is deemed to consent to testing for such disease. Notification procedures are outlined. The employer must pay testing costs (Sections 191.630 and 191.631).

This act revises the qualifications of candidates for fire protection district directors in third and fourth class counties. A candidate must reside in the district for two years before the election or appointment. Currently, the candidate must reside in the county in which the district is located for two years. A candidate for director in a newly formed district must reside in the district for one year before the election or appointment (Sections 321.130 and 321.180).

This act allows the governing body of an ambulance or a fire protection district, except for those in counties of the first class with over 200,000 inhabitants, to impose an up to one-half of one percent sales tax on all retail sales within the district following voters' approval.

The Department of Revenue will collect and distribute the revenue from the district sales tax monthly at the cost of one percent the total revenue collected. After collecting and distributing the sales tax, the board of the ambulance or fire protection district will determine its budget for the year and determine the amount of property tax necessary to fund the district. The district may then reduce the tax rate by an amount which reduces the property tax revenue by an amount equal to fifty percent of the previous fiscal year's sales tax receipts.

When the governing body of the ambulance or fire protection district receives a petition signed by at least twenty percent of the qualified voters that voted in the last gubernatorial election, calling for an election to repeal the sales tax, the governing body will submit the question to the voters (Sections 321.552 through 321.556)

This act adds provisions regarding ambulance services and hospital liens (Section 1).

Section 190.044, RSMo, has been repealed. This section





registered bonds that are presented to the State Auditor.  
JIM ERTLE

Sponsor: Kinder

Handler: Myers

SCS/SB 1151 - This act allows cities with a population of less than one thousand five hundred inhabitants which have a tourism tax on transient guests to transfer forty percent of tourism funds into the city's general revenue fund and to transfer thirty-five percent into the capital improvements fund, pursuant to voter approval of the same. Under current law, twenty-five percent of the funds must be used for tourism marketing and promotional purposes.

This act is similar to HB 1041.  
JEFF CRAVER

Sponsor: Steelman

Handler: Ransdall

SCS/SB 1163 - This act revises the air emissions banking and trading program by clarifying use of air emission reduction credits. In order for air emission reduction credits to be tradeable between air emission sources, the air emission reduction credits would be based on air emission reductions that occur after August 28, 2001, or must be credits that exist in the current air emissions bank.

CINDY KADLEC

Sponsor: Russell

Handler: Gratz

SB 1168 - This act authorizes the Governor to grant a clear zone easement for the airspace above property managed by the National Guard to the City of Lebanon.

This act also authorizes the Governor to convey certain state property in Cole County to the General Services Administration or the Missouri Development Finance Board in return for property of like value.

JIM ERTLE

Sponsor: Singleton

Handler:

SCS/SB 1182 - This act modifies the law relating to health care professionals under the Board of Registration for the Healing Arts.

A new Section allows persons licensed under Chapter 334, RSMo, to apply to the Board for inactive status. Upon approval, the licensee will be placed on an inactive status list. An inactive licensee or one who has retired from the profession may not practice, except on him or herself or on immediate family but may not prescribe controlled substances. An inactive licensee may, however, continue to use his or her professional title. During an inactive period, a licensee will not be required to comply with continuing education requirements. A licensee may return to active status by notifying the Board, paying fees, and completing reinstatement requirements (Section 334.002).

Current law allows physicians to enter into collaborative practice agreements with registered professional nurses, but prohibits the Board from taking action against a physician for acts arising out of such an agreement. This act allows the Board to take action against a physician for health care services delegated to a nurse. Language allowing for the expungement of records is also clarified (Section 334.104 ).  
ERIN MOTLEY

Sponsor: Jacob

Handler: Graham

HCS/SS#2/SB 1191 - This act is entitled the "Missouri Tobacco Settlement Authority Act". The purpose of the authority is to enter into sales agreements with the state whereby the state sells a portion of its share of tobacco settlement proceeds.

The powers of the authority are vested in a board consisting of the Governor, Lieutenant Governor, and the Attorney General. The President Pro Tem of the Senate, the Speaker of the House of Representatives and the Treasurer shall serve as an ex officio members of the authority. The Office of Administration shall provide staffing for the authority. The Governor shall be authorized to sell or assign to the authority up to thirty percent of the state's share of tobacco settlement proceeds.

Proceeds from bonds issued by the authority shall be deposited in the tobacco securitization settlement trust fund. Moneys in the fund shall be used solely for the payment of all



Sponsor: Westfall

Handler: Koller

HCS/SCS/SB 1202 - This act transfers various agencies or powers to a newly created Motor Carrier Services Unit within the Department of Transportation. This act is created to implement the Governor's Executive Order 02-03 (February 7, 2002) which transfers these agencies to the Department of Transportation so that commercial truck drivers can obtain licenses and other services from one department. The concept is often referred to as "One-Stop Shop".

This act transfers the motor carrier and railroad functions of the various entities (Division of Motor Carrier Services, Highway Reciprocity, and DNR (licensing of transporting hazardous waste) to the Department of Transportation by a Type I transfer. The Division of Motor Carrier and Railroad Safety and the Highway Reciprocity Commission are abolished. The personnel of those respective entities are transferred to the Department of Transportation. The act also transfers the Division of Motor Carrier and Railroad Safety Administrative Law Judge to the Department of Transportation (in the Senate version, the ALJ was transferred to the Administrative Hearing Commission (AHC)). All the powers, duties and functions of the administrative law judges of the Division of Motor Carrier and Railroad Safety are transferred to the AHC.

This act also allows employees transferred to the Department of Transportation who are currently under the MOSERS retirement system to elect into the MoDOT retirement system. This election must occur within 90 days of the effective date of this act. Any election to choose the MoDOT retirement system plan will result in the forfeiture of any rights or benefits in the MOSERS plan. If the employees choose not to elect this option, the employees will remain in MOSERS plan (Section 104.805). If an election is made to join the MoDOT retirement system, the effective date for membership and transfer of creditable service shall be January 1, 2003. MOSERS shall pay to the MoDOT retirement plan an amount actuarially determined to equal the liability transferred from the MOSERS plan. No employee shall receive service credit for the same period of service under more than one retirement system.

This act also has an emergency clause and shall be effective upon passage and approval, or July 1, 2002, whichever later occurs.



for filing will be the next business day. The act applies only to St. Louis City.

JEFF CRAVER

Sponsor: Coleman

Handler: Boykins

SCS/SBs 1241, 1253 & 1189 - This act allows persons to receive "Breast Cancer Awareness" license plates after making an annual \$25 contribution to the Friends of the Missouri Women's Council. The contribution may be only used for breast cancer services. In addition to the \$25 contribution, the person must pay \$15 plus regular registration fees. No additional fee shall be assessed for the personalization of such plates.

This act also allows persons to receive "Delta Sigma Theta" or "Omega Psi Phi" Greek organization license plates after making an annual \$25 contribution to those organizations. In addition to the \$25 contribution, the person must pay \$15 plus regular registration fees. No additional fee shall be assessed for the personalization of such plates.

This act allows members of the Kingdom of Calontir and the Missouri Civil War Reenactors Association to receive special license plates. To obtain the plate, a person must get a use authorization statement (\$25 contribution) from the respective organizations and present the statement to the Department of Revenue at the time of registration along with a \$15 fee in addition to the registration fee and other documents required by law. Revenue collected from authorization contributions, minus any reasonable administrative cost, will be used solely for the purposes of the respective organizations. This portion of the act is similar to HB 1778 (2002).

This act prohibits the Director of the Department of Revenue from issuing specialized license plates for sponsoring organizations which raise revenues from the use of their emblems on such plates unless the organization is a governmental entity or a not-for-profit organization. Current organizations shall have until January 1, 2004, to comply with the provisions of this section. The Director shall require such organizations to verify their eligibility status. This provision is similar to (but not identical to) one contained in SCS/SB 1241 et al (2002).  
STEPHEN WITTE

Sponsor: Johnson

Handler: Kelly(27)

SB 1243 - This act changes the term innkeeper in the statutes to lodging establishment. The act also changes posting requirements of certain notices to be placed at the registration desk and in the guest rooms of the lodging establishment.

This act is similar to HB 2079 (2002).  
CINDY KADLEC

Sponsor: Bland

Handler: Barry

HCS/SB 1244 - This act allows the continuation of a newborn hearing screening from one facility to the next. Currently, Section 191.925, RSMo, requires health care facilities to perform hearing screenings on newborns prior to discharging them. This act requires the continuation and completion of a hearing screening at a different facility if the newborn is transferred. The transferring facility must notify the receiving facility of the need for completion of the screening.

This act is identical to HB 1548 (2002).  
ERIN MOTLEY

Sponsor: Quick

Handler: Willoughby

SB 1247 - This act requires the Kansas City Firefighters Pension Fund to recognize domestic relations orders in dissolutions involving firefighters.  
CINDY KADLEC

Sponsor: Mathewson

Handler: Foley

CCS/HS/HCS/SS/SCS/SB 1248 - This act makes various revisions and reforms regarding state revenue and tax collection and assessment procedures. The provisions of this Conference Committee Substitute are as follows:

CALCULATION OF INTEREST ON REFUNDS: Requires the State Treasurer to calculate quarterly an annual rate of interest equal to the average rate of return on all funds invested by the State

Treasurer. This calculated interest rate will be applied to situations for which Missouri pays interest to parties on various overpayments received by the state. Under current law, interest applied to most overpayments is based on the adjusted prime rate charged by banks (Section 32.068).

INTEREST ON REFUNDS: Allows interest to be paid on state tax refunds or overpayments only if payment is delayed for more than 120 days (Section 32.069).

TAX AMNESTY PROGRAM: Requires that amnesty shall be granted for all interest and additions to tax with respect to unpaid taxes that are paid in full between August 1, 2002, and October 31, 2002; such amnesty shall not apply to persons involved in a criminal or civil litigation related to the tax liability (Section 136.320).

DECOUPLE FROM FEDERAL ACCELERATED COST RECOVERY: Returns the current income tax law regarding tangible property depreciation to pre-March 2002 law in reference to the September 11, 2001, terrorist attacks; this section only affects to items purchased after the effective date of this act (Section 143.121).

NET OPERATING LOSS: Prevents the federal NOL carry forward and carry back change from affecting Missouri; maintains the current 20 year carry forward and two year carry back (Section 143.121).

INTEREST ON TAX CREDIT CARRY BACK: Eliminates interest on tax credit carry backs claimed by amended returns (Section 143.811).

LOTTERY WINNINGS CLAIM PERIOD: Changes the period for claiming lottery winnings from one year to 6 months (Section 313.300).

LOTTERY FUND TRANSFER: Provides that \$5 million of reserve funds in the State Lottery Fund will be transferred to the Schools of the Future Fund on July 1, 2002 (Section 313.301).

PROVIDER TAX FOR PRESCRIPTIONS: Imposes a tax upon licensed retail pharmacies in Missouri for the privilege of providing outpatient prescription drugs; an increase to the provider fee is implemented to offset this tax increase (Chapter 338).

ESTATE ESCHEAT FUND: Accelerates transfers of monies from courts into the abandoned property fund where they may be transferred to general revenue; the rightful owner of funds in the Abandoned Property Fund has a right to such money at all times (Section 447.532 & Chapter 470).

UNCLAIMED PROPERTY TIME LIMIT: Accelerates unclaimed property



Sponsor: Portwood

Handler: Steelman

HB 1032 - This act requires one member of the Board of Health to be a chiropractor. Currently, Section 191.400, RSMo, creates the State Board of Health and requires that three members must be persons other than those licensed by the Board of Registration for the Healing Arts or the Missouri Dental Board. This act requires that, of those three, one of the members must be a licensed chiropractic physician and two must be persons other than those licensed by Healing Arts, the Missouri Dental Board, or the Missouri State Board of Chiropractic Examiners.

This act is identical to SB 976 (2002).

JIM ERTLE

Sponsor: Monaco

Handler: Klarich

CCS/SCS/HS/HCS/HBs 1037, 1188, 1074 & 1271 - This act removes the statute of limitations for the crimes of forcible rape, attempted forcible rape, forcible sodomy and attempted forcible sodomy so that a prosecution may be commenced at any time when a suspect is apprehended.

This act contains an emergency clause.

This act is identical to CCS/HCS/SS#2/SB 650 (TAT).

JIM ERTLE

Sponsor: Myers

Handler: Childers

SS/SCS/HB 1041 - This act authorizes the governing body of the City of Festus (Jefferson County) to place a question before the voters regarding imposition of a hotel-motel tax of between 2 and 5 percent for the promotion of tourism.

This act authorizes an increase to the hotel sales tax from six to seven percent and the food sales tax from 1 3/4 to two percent for Poplar Bluff, Sikeston in Stoddard and Pemiscot counties. The increases must be approved by the voters of the jurisdiction. The revenue raised shall be for the purpose of funding tourism, international trade, and convention facilities.

This act allows cities with a population of less than one thousand five hundred inhabitants which have a tourism tax on

transient guests to transfer forty percent of tourism funds into the city's general revenue fund and to transfer thirty-five percent into the capital improvements fund, pursuant to voter approval of the same. Under current law, twenty-five percent of the funds must be used for tourism marketing and promotional purposes. This change may only be done pursuant to voter approval.

The act creates a regional taxicab commission for St. Louis City and St. Louis County. The members of the commission will include representatives of the taxicab industry as well as appointees of the Mayor of St. Louis and the St. Louis County Executive. The commission is responsible for creating and implementing a taxicab code that will supersede all city and county ordinances related to the licensing of taxicabs. The powers of the commission to carry out the provisions of the taxicab code are enumerated.

The act allows the Supervisor of the Division of Liquor Control to issue a retail license to sell intoxicating liquor between the hours of 11:00 a.m. and midnight on Sunday to any establishment located in an international airport and owned or leased and operated by an airline. This license will cost \$200 in addition to all other fees required by law. City and county regulations and fees will also apply to the license.

The act requires any business engaged in selling pre-arranged travel-related or tourist-related services to keep its registration or certificate of authority to do business with the Secretary of State and file a bond or letter of credit with the Attorney General. The purchaser of a pre-arrange travel-related or tourist-related service will be allowed to rescind the purchase within 15 business days, except when the merchandise or services are provided within the rescission period. The refund must be returned within 14 days. The right of rescission cannot be waived.

The act requires any person intending to use any promotional device or promotional program to sell any travel-related or tourist-related service where a consumer is required to provide any consideration other than monetary for the service to notify the Attorney General in writing within 14 days prior to release of the material to the public.

The act contains an emergency clause on the provisions relating to the sale of liquor in airline clubs.

This act is similar to SBs 723, 834, 1099, 1108 & 1127 (2002).

JEFF CRAVER

Sponsor: Nordwald

Handler:

HB 1075 - This act provides for an expedited procedure for landowners to acquire title to abandoned vehicles left on their property. Provided the vehicle was not stolen, the landowner may send notice of intent to acquire title to the owner or lienholder. An owner or lienholder may object to issuance of title by filing a petition for recovery of the vehicle. If no such objection is received within the thirty day notice period, the title is issued to the landowner.

STEPHEN WITTE

Sponsor: Whorton

Handler: Mathewson

SCS/HB 1078 - This act authorizes regional jail commissions to have a 1/8%, 1/4%, 3/8%, or 1/2% regional sales tax for the purpose of operating a regional jail district, if approved by qualified voters of the district. The act contains further provisions, which include: ballot language; implementation and effective date of the tax depositing revenue; use of funds collected; and establishment of the Regional Jail District Sales Tax Trust Fund and its operation. Jails operated by private authorities may not participate in regional jail districts.

This act expires September 30, 2015.

JEFF CRAVER

Sponsor: Harlan

Handler: House

HB 1086 - This act requires confidentiality concerning all personally identifiable information of participants in the Missouri higher education savings program and limits disclosure to administrative purposes.

The provisions of this act are contained in SB 776 (2002).

DONALD THALHUBER

Sponsor: Relford

Handler: Mathewson

SCS/HBs 1093, 1094, 1159, 1204, 1242, 1272, 1391, 1397, 1411, 1624, 1632, 1714, 1755, 1778, 1779, 1852, 1862, 2025 & 2123 - This act allows for a special license plate bearing the emblem of MO-AG Businesses. To obtain the plate, a person must get a use authorization statement (\$25 contribution) from the MO-AG Businesses and present the statement along with a \$15 fee in addition to the regular registration fee and other documents required by law. The fee for personalized license plates will not be required (Section 301.3065).

HB 1094 - This act allows for a special license plate for members of the Missouri Coroners' and Medical Examiners' Association. To obtain this plate, a person must get an emblem-use authorization statement by contributing \$25 to the Missouri Coroners' and Medical Examiners' Association and present this statement to the Department of Revenue at the time of registration. Upon presentation of the annual authorization statement and payment of a \$15 fee in addition to the regular registration fees and other document requirements, the Department will issue a license plate bearing the emblem of the Missouri Coroners' and Medical Examiners' Association, the six-point star symbol universally recognized for law enforcement, and the words "CORONERS' OFFICE" in place of the words "SHOW-ME STATE". The revenue obtained from contributions will be used for the purpose of promoting and supporting the objectives of the Missouri Coroners' and Medical Examiners' Association (Section 301.3089).

HB 1159 - This act also allows persons to receive "Delta Sigma Theta" or "Omega Psi Phi" Greek organization license plates after making an annual \$25 contribution to those organizations. In addition to the \$25 contribution, the person must pay \$15 plus regular registration fees. No additional fee shall be assessed for the personalization of such plates. This act is similar to SB 1253 (2002)(Section 301.3086).

HB 1204 - This act allows for a special license plate for the Friends of Arrow Rock. To obtain this special plate, a person must get an emblem-use authorization statement from the Friends of Arrow Rock (\$25 contribution) and present the statement to the Department of Revenue at the time of registration along with a \$15 fee in addition to the registration fees and other documents which may be required by law. Revenue collected from authorization contributions must be used solely for the purposes of the Friends of Arrow Rock (Section 301.3092).

HB 1242 - This act allows for a special license plate bearing the words "PREVENT DISASTERS IN MISSOURI" for any person who wants to pay tribute to the disaster relief efforts made in

the aftermath of the events of September 11, 2001. To obtain the plate, a person must get a use authorization statement (\$25 contribution) from the American Red Cross and present the statement at the time of registration to the Department of Revenue along with a \$15 fee in addition to the registration fees and other documents which may be required by law. All revenue derived from contributions for the plate, minus reasonable administrative costs, must be deposited and used solely for the purposes of the Missouri State Service Delivery Area Single Family Disaster Fund (Section 301.3088).

HB 1272 - This act allows for a special license plate for members of the Missouri Elks Association. To obtain the plate, a person must get a use authorization statement (\$15 contribution) from the Missouri Elks Association and present the statement to the Department of Revenue at the time of registration along with a \$15 fee, the registration fee, and other documents required by law. Revenue collected from authorization contributions, minus reasonable administrative costs, will be used solely for the purposes of the Missouri Elks Association (Section 301.3118).

HB 1391 - This act allows members, former members or parents of 4-H members to obtain a special license plate that would bear the emblem of 4-H and the words "Missouri 4-H" in place of "Show-Me State". The fee for the plate will be \$15. This act is similar to SB 737 (Section 301.481).

HB 1397 - This act allows for a special license plate for any member of the Missouri Federation of Square and Round Dancers Clubs. To obtain this plate, a person must get an emblem-use authorization statement from the Missouri Federation of Square and Round Dance Clubs (\$25 contribution) and present this statement to the Department of Revenue at the time of registration. Upon receipt of the annual authorization statement and payment of a \$15 fee in addition to the registration fee and other documents required by law, the Department of Revenue will issue a personalized license plate bearing the emblem of the Missouri Federation of Square and Round Dance Clubs (Section 301.3096).

HB 1411 - This act allows for a special license plate for the Hearing Impaired Kids Endowment Fund. To obtain the plate, a person must get an emblem-use authorization statement (\$25 contribution) from the Hearing Impaired Kids Endowment Fund, Inc. and present the statement and a \$15 fee, in addition to the regular registration fee and other documents required by law (Section 301.3082).

HB 1624 - This act allows for a special license plate for

members of the Tribe of Mic-O-Say and the Order of the Arrow and for Eagle Scouts or parents of an Eagle Scout. To obtain the plate, a person must get a use authorization statement (\$25 contribution) from the respective organizations and present the statement to the Department of Revenue at the time of registration along with a \$15 fee in addition to the registration fee and other documents required by law. Revenue collected from authorization contributions, minus any reasonable administrative cost, will be used solely for the purposes of the respective organizations (Sections 301.3093, 301.3094 and 301.3095).

HB 1632 - This act allows for a special license plate for members of the Fraternal Order of Police. To obtain the plate, a person must get an emblem-use authorization statement (for a \$25 contribution) from the Fraternal Order of Police and present the statement along with a \$15 fee in addition to the regular registration fee and other documents required by law. Any contribution received by the Fraternal Order of Police of the State of Missouri, minus reasonable administrative cost, will be used solely for the purposes of the Missouri Fraternal Order of Police (Section 301.3103).

HB 1714 - This act allows for a special license plate bearing the emblem of the St. Louis College of Pharmacy. To obtain the plate, a person must get a use authorization statement (\$25 contribution) from the St. Louis College of Pharmacy and present the statement along with any other documents which may be required and payment of a \$15 fee in addition to the regular registration fees to the Department of Revenue. The fee for personalized license plates will not be required.

HB 1755 - This act allows for a Missouri Travel Council special license plate. To obtain the plate, a person must get a use authorization statement (\$25 contribution) from the Missouri Travel Council and present the statement to the Department of Revenue at the time of registration along with a \$15 fee in addition to the registration fee and other documents which may be required by law. Revenue collected from authorization contributions, minus any reasonable administrative cost, will be used solely for the purposes of the Missouri Travel Council (Section 301.3119).

HB 1778 - This act allows for special license plates for members of the Kingdom of Calontir and the Missouri Civil War Reenactors Association. To obtain the plate, a person must get a use authorization statement (\$25 contribution) from the respective organizations and present the statement to the Department of Revenue at the time of registration along with a \$15 fee in addition to the registration fee and other documents

required by law. Revenue collected from authorization contributions, minus any reasonable administrative cost, will be used solely for the purposes of the organizations. This act is similar to SB 1189 and SCS/SB 1241 et al (2002)(Sections 301.3098 and 301.3099).

HB 1779 - This act allows for a special license plate for members of the Missouri-Kansas-Nebraska Conference of Teamsters. To obtain the plate, a person must get a use authorization statement (\$25 contribution) from the Missouri-Kansas-Nebraska Conference of Teamsters and present the statement to the Department of Revenue at the time of registration along with a \$15 fee in addition to the registration fee and other documents required by law. Revenue collected from authorization contributions, minus any reasonable administrative cost, will be used solely for the purposes of the Missouri-Kansas-Nebraska Conference of Teamsters (Section 301.3101).

HB 1852 - This act allows for a special license plate for members of the Jefferson National Parks Association. To obtain the plate, a person must get a use authorization statement (\$25 contribution) from the Jefferson National Parks Association and present the statement to the Department of Revenue at the time of registration along with a \$15 fee in addition to the registration fee and other documents required by law. Revenue collected from authorization contributions, minus any reasonable administrative cost, will be used solely for the purposes of the Jefferson National Parks Association (Section 301.3117).

HB 1862 - This act allows for a special license plate for members of the Rotary International. To obtain the plate, a person must get a use authorization statement (\$25 contribution) from Rotary International and present the statement to the Department of Revenue at the time of registration along with a \$15 fee in addition to the registration fee and other documents required by law. Revenue collected from authorization contributions, minus any reasonable administrative cost, will be used solely for the purposes of Rotary International (Section 301.3080).

HB 2025 - This act allows for a special license plate for members or alumni of Greek organizations Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, and Phi Beta Sigma. To obtain the plate, a person must get a use authorization statement (\$25 contribution) from the respective organizations and present the statement to the Department of Revenue at the time of registration along with a \$15 fee in addition to the registration fee and other documents required by law. Revenue collected from authorization

contributions, minus any reasonable administrative cost, will be used solely for the purposes of these Greek organizations (Section 301.3109).

HB 2123 - This act allows for a special license plate for the Friends of the Missouri Women's Council. To obtain the plate, a person must get a use authorization statement (\$25 contribution) from the Friends of the Missouri Women's Council and present the statement to the Department of Revenue at the time of registration along with a \$15 fee in addition to the registration fee and other documents required by law. Revenue collected from authorization contributions, minus any reasonable administrative cost, will be used solely for the purposes of providing breast cancer services, including but not limited to screening, treatment, staging, and follow-up services (Section 301.3084).

This act modifies the classes of vehicles in which motorists may receive a Missouri Conservation Heritage Foundation license plate (Section 301.469).

This act creates the "God Bless America" license plate. Any person desiring such a plate shall pay \$10 to the WWII Memorial Fund. The person shall also pay an additional \$15 fee to the Department of Revenue in addition to regular registration fees. This provision is identical to SCS/SB 960 (2002).

This act prohibits the Director of the Department of Revenue from issuing specialized license plates for sponsoring organizations which raise revenues from the use of their emblems on such plates unless the organization is a governmental entity or a not-for-profit organization. Current organizations shall have until January 1, 2004, to comply with the provisions of this section. The Director shall require such organizations to verify their eligibility status. This act restricts the emblem-use authorization fees to be only used for the organization's charitable mission. Special license plates sponsored by such organizations shall only be issued if the director receives 100 applications or if the organization pays the "start-up" costs of such plates and the director receives at least 10 applications.

This provision is similar to (but not identical to) one contained in SCS/SB 1241 et al (2002).  
STEPHEN WITTE

















227.321).

This act designates the portion of U.S. Highway 136 in Harrison County, from the eastern city limits of Bethany to the Harrison-Mercer County line, as the "Babe Adams Highway" (Section 227.317)(similar to SB 1270 (2002)).

This act designates the portion of Highway 72 in Iron and Madison County the "Sergeant Randy Sullivan Memorial Highway" (Section 227.333).

This act also makes the Missouri Fox Trotting Horse the official state horse of Missouri (SB 1103 - Section 10.140).  
STEPHEN WITTE

Sponsor: Ross

Handler:

HB 1148 - This act provides that operators of certain religious cemeteries may establish a scatter garden for the purpose of scattering human cremains. Cremains are the ashes that remain after the cremation of a human corpse.

The cemetery operator is responsible for maintenance of the garden and for keeping certain records about the cremains in the garden, including the name, date of death and social security number of each person whose cremains were scattered.  
JIM ERTLE

Sponsor: Bray

Handler: Gibbons

SS/SCS/HCS/HBs 1150, 1237 & 1327 - This act authorizes the Department of Revenue (DOR) and the Administrative Hearing Commission (AHC) to abate all or part of the tax liability of a taxpayer in certain situations, including those situations in which:

(1) The taxpayer fails to collect, account for or pay a tax which others in the same industry or occupation also failed to pay, perhaps due to miscommunication between DOR and a specific industry or profession about the taxability of a certain event or transaction;

(2) The taxpayer does not have sufficient ability to pay the entire amount of the tax due; or

(3) Collection of the tax would undermine compliance with the tax laws.

Before the Department of Revenue can abate any part of a taxpayer's liability, the Director must forward a copy of the abatement agreement to the Attorney General. The Attorney General has up to 30 days to review the agreement for legal form and content and may offer proposed revisions to protect the interests of the state. This provision will expire on January 1, 2005.

The act directs that in situations where DOR or the AHC grant this type of relief to a taxpayer, the application of the tax at issue shall be prospective for that taxpayer, such that the taxability of the event or transaction begins after the DOR or AHC decision on the issue. In order to qualify for whole or partial abatement, a taxpayer must agree to several conditions set forth in the act, such as paying his or her own attorney fees and expenses. The taxpayer has a right to rely upon agreements made by the Department of Revenue pursuant to the act.

A tax amnesty program is authorized by the act for penalties, additions to tax, and interest on delinquencies which occurred prior to December 31, 2001. To be eligible for the program, a taxpayer must submit and pay all unpaid taxes due between August 1, 2002, and October 31, 2002. All new revenues resulting from the tax amnesty program will be deposited in the State School Moneys Fund, unless otherwise earmarked by the Missouri Constitution, or unless they are revenues not belonging to the state.

The act creates the "Simplified Sales Tax Administration" in Missouri, as found in SB 1154. The administration shall consist of seven members, one of which will be selected by the Governor, two selected from each of the majority leaders of the House and Senate, and one from each of the minority leaders of the House and Senate.

The administration will have the duty of entering into multistate discussions for the purposes of reviewing and amending a multistate agreement concerning simplified sales and use tax processes. The administration shall report to the committee charged with reviewing tax issues annually.

The authority of the delegates to review and amend or accept multistate agreements will have no effect on the laws or obligations of this state. The approval of the General Assembly and the Governor will be required before any law of this state shall be effected by a multistate agreement.

The act also makes various changes related to the assessment and levy of property taxes. The act:

(1) Requires separate levies to be calculated and rolled-back within each subclass of real property and for personal property using the assessed valuation of each subclass of real property and of personal property. If the separate levy process reduces revenues to a political subdivision, it may adjust the levy to produce the same amount of revenue as would have been produced under a single levy process. Under current law, the assessed valuation of all subclasses of real property and personal property are combined to calculate one levy to be applied to all classes of property equally;

(2) Where the taxing authority is a school district, the act apportions state-assessed railroad and utility property equally among the three classes of property for the purpose of calculating the levy for the particular subclasses; this apportionment does not affect the levy applied to state-assessed railroad and utility property;

(3) Requires the governing body of any political subdivision that levies a tax rate lower than its tax rate ceiling to approve by a majority vote of the governing body at a public meeting any increase of that lowered rate up to the tax ceiling. This portion does not apply to school districts;

(4) Sets a formula for determining a blended property tax rate by school districts for purposes of receiving state aid for public schools through the state foundation formula;

(5) Requires each taxing jurisdiction to calculate its tax rate out to four decimal points, except for those with a tax rate under a dollar. Current law requires the rate to be calculated out to three decimal points;

(6) Requires a physical inspection of property during reassessment when the assessed value increases 15% or more. Current law requires a physical inspection when property increases 17% or more;

(7) Defines physical inspection of property during reassessment as an on-site personal observation of the land and the exterior portions of the buildings available to the inspector. "Drive-by" inspections will not qualify. The assessor's staff must notify the owner or occupant that a physical inspection was performed. This provision will only apply to St. Louis County;

(8) Allows credit cards to be used as a method of payment for property taxes by the county collectors; and

(9) Requires the board of equalization in St. Louis County to provide written findings of fact and conclusions of law to any taxpayer subject to hearing before the board.

All of the above provisions related to property taxation



TEN-MILE RULE - This act eliminates the requirement that road projects be bid in sections not to exceed 10 miles (Section 227.100). This provision is contained in the perfected version of SB 970 et al (2002).

DESIGN -BUILD - The act also authorizes MoDOT to enter into three pilot design-build projects, two of which shall be from the 1992 Fifteen Year Plan. The authority to enter into such projects shall expire on July 1, 2012, unless extended by statute (Section 227.107).

AVIATION FUEL TAX - This act increases the cap on the amount of aviation jet tax revenues which may be deposited in the Aviation Trust Fund. Current law only permits \$5 million of the aviation jet fuel tax revenues to be placed in the fund. This amount is increased to \$6 million. This act also extends the sunset on the aviation jet fuel tax section to December 31, 2008 (Section 144.805). Under current law, the commission may match state funds at a 80% level and locals at a 20% level. This is changed to a 90/10 formula (section 305.230). This act also modifies the language regarding the deposit of unclaimed aviation fuel refunds. The current law states that "If any person fails to apply for a refund as provided in Chapter 142, RSMo, he makes a gift of his refund to the Aviation Trust Fund". The new language simply states that the refund amount will be deposited in such fund.

FEE OFFICES - This act increases the fees collected by non-Department of Revenue offices for biennial licenses issued and for six year licenses. The fees for licenses renewed biennially are increased from \$4.00 to \$5.00 beginning August 28, 2002. Beginning July 1, 2003, licenses renewed annually are increased from \$2.50 to \$3.50 and biennial licenses are increased from \$5.00 to \$7.50. Beginning July 1, 2003, fees for six-year driver's licenses are increased from \$4 to \$5. Beginning July 1, 2003, this act requires all Department of Revenue branch offices to collect the same fees charged by fee offices (section 136.055).

BILLBOARD LAW - This act updates requirements of federal law to include primaries as of June 1, 1991. This act specifically allows Tri-vision, projection and changeable message signs to be subject to MoDOT regulations. This act allows cutouts and extensions on nonconforming signs. This act makes existing stacked signs legal nonconforming. When stacked signs were prohibited in 1999, the statute provided that existing signs were not conforming which meant they could be rebuilt. By making existing signs legal nonconforming, the signs could be phased out over time as they need replacing. This act adopts a minimum of



that no limits are put on the number of plates any person may obtain. No additional fee will be charged for these plates (Section 301.441).

This act allows for a special license plate for any person serving on active duty in any branch of the military and is part of "Operation Enduring Freedom" and "OPERATION NOBLE EAGLE". To obtain the plate, individuals must furnish proof of service in Operation Enduring Freedom to the Department of Revenue along with payment of a \$15 fee in addition to the registration fee required by law. Only one set of plates may be issued per applicant. This act is similar to SB 957 (2002) (Sections 301.3090 and 301.3116).

This act eliminates the requirement that 100 requests be made for certain special license plates prior to allowing the issuance of the plates (Section 301.448).

This act allows for a special license plate for members of the Veterans of Foreign Wars. To obtain the plate, a person must get a use authorization statement (\$25 contribution) from the Veterans of Foreign Wars and present the statement to the Department of Revenue at the time of registration along with a \$15 fee in addition to the registration fee and other documents required by law. Revenue collected from authorization contributions, minus any reasonable administrative cost, will be used solely for the purposes of the Veterans of Foreign Wars (Section 301.3105).

This act allows for a special license plate for members of the Missouri Task Force One. To obtain the plate, a person must present appropriate proof of eligibility to the Department of Revenue at the time of registration along with a \$15 fee in addition to the registration fee and other documents required by law. No more than one set of plates can be issued to a qualified applicant (Section 301.3107).

This act allows any surviving spouse of an individual who would have been eligible to obtain a United States Armed Forces, Coast Guard, Merchant Marines, Reserves, Missouri National Guard, or United States Marine Corps League special license plate to obtain the plate as long as the spouse does not remarry (Section 301.450).

This act allows Marines and Navy veterans who have participated in active duty combat action to receive a "Combat Action Ribbon" license plate. There is a \$15 fee in addition to regular registration fees. This provision is identical to the one contained in SCS/SB 745 (2002) (Section 301.3085)

STEPHEN WITTE

Sponsor: Gratz

Handler: Childers

SCS/HB 1265 - This act provides that any male between the ages of 18-26 who applies for a driver's license instruction permit or license or renewal shall be allowed to register with the Selective Service system.

The provisions of this act become effective on July 1, 2003.  
JIM ERTLE

Sponsor: Gratz

Handler: Westfall

CCS/SS/SCS/HB 1270 and HB 2032 - This act makes various changes to the law relating to the operation of motor vehicles.

USE OF STATE VEHICLES - This act creates the position of state vehicle fleet manager within the Office of Administration. The vehicle fleet manager will institute and supervise a state fleet vehicle tracking system in which the cost of owning and operating state vehicles will be documented by state agencies. State agencies shall report the purchase and sale of vehicles to the fleet manager as well as provide additional information. The Office of Administration shall establish guidelines for determining the most cost-effective and reasonable mode of travel. State agencies shall pay a state vehicle fleet fee for each vehicle that it owns for the purpose of funding the state fleet vehicle tracking system (Section 37.450). Under this act, certain proceeds generated by the sale of agency surplus vehicles may be deposited in the state treasury to the credit of the Office of Administration revolving trust fund. These moneys shall only be used for the purchase of agency vehicles (Section 37.452). This act requires all state agencies to be responsible for obtaining vehicle inspections for their motor vehicles (Section 307.402). These sections have an emergency clause.

FIRST CLASS HIGHWAY ADMINISTRATORS - This act removes Section 61.021, RSMo, which currently requires all first class county highway administrators to be Missouri residents.

MOTORCYCLE SAFETY TRUST FUND - This act modifies the language contained in the "Motorcycle Safety Trust Fund". Under this act,

a surcharge of \$1 shall be assessed on all criminal cases, violations of county ordinances, state traffic laws. Under current law, a \$5 judgment is assessed on motorcycle violations (section 302.137). This provision is also contained in SCS/SB 721 et al (2002).

SKILL PERFORMANCE EVALUATION CERTIFICATES - This act authorizes the Division of Motor Carrier and Railroad Safety to grant skill performance evaluation certificates to intrastate drivers who do not meet the federal minimum medical standards. This amendment outlines what an applicant must submit to the Division in order to receive a skill performance evaluation certificate. The amendment also authorizes the division to promulgate rules and regulations regarding the issuance of such certificates. Under the proposed amendment, any regulations promulgated by the Division cannot be implemented if they would jeopardize federal funding to the state (Section 622.555).

COMMERCIAL DRIVER'S LICENSES - This act requires applicants for commercial driver's licenses to comply with the requirements of the U.S. Patriot Act of 2001 (Section 302.720). This act increases the examination fee for commercial driver licenses from \$5 to \$25, as well as the renewal fee. The examination program shall require a reexamination of at least 10% of those drivers who have passed a skills test administered by a third-party tester. This act also deletes the ability of the director to waive the driving test for a commercial driver's license (Sections 302.720 and 302.721).

MODOT TOWING - This act provides that if MoDOT removes any property from a road, MoDOT employees shall move the property to the shoulder or berm of the roadway, and the employees shall not use a wrecker, tow truck, or roll-back in the removal process (Section 226.1115).

OVERSIZED VEHICLES - Current law allows the Chief Engineer of the Department of Transportation, upon proper application, to issue special permits allowing the movement of vehicles hauling lumber products and earth-moving equipment not in excess of 14 feet wide on state and federal highways. This act removes this provision and allows vehicles hauling oversized lumber products and earth-moving equipment, without limitations, to be permitted (HB 1270 - Section 304.200).

EMERGENCY VEHICLES - This act requires drivers to take certain actions, including yielding the right-of-way when possible, when an emergency vehicle is approaching. This provision is contained SB 721 (2002).

TRAFFIC LAWS - Current Missouri law requires drivers to obey traffic-related signals and directions given by members of the Missouri Highway Patrol (Section 43.170, RSMo). Failure to follow such direction is a misdemeanor offense. This act extends the reach of the current law by also requiring drivers to obey signals and directions given by sheriffs and deputy sheriffs. This provision is identical to provisions contained in SB 237 (2001). This act modifies the mental state required of a person who fails to comply with an lawful order of a police officer or fire department official from willfully to knowingly. This act includes blue flashing lights for authorized emergency vehicles. This act removes the requirement that the motorman of a streetcar stop the streetcar upon the approach of an authorized emergency vehicle. This act removes the provision of law regarding written accident reports. This act removes the exclusion that written accident reports shall not be used as evidence in a court proceeding. This act expands the rule that a driver shall not follow an emergency vehicle closer than 500 feet. The current restriction only applies to fire engines. This act removes a provision of law regarding when police officers are authorized to remove motor vehicles. These provisions are contained in SB 818 (2002)and in SCS/SB 721 et al (2002).

HEAD INJURY FUND - This act creates the "Head Injury Fund" for use by the Missouri Head Injury Advisory Council. A new Section 304.028 creates the Fund for the receipt of judgments, grants, private donations, and other moneys. Such funds will be used for the integration of medical, social, and educational services and for outreach to individuals with traumatic head injury and their families. Unexpended balances will not transfer to general revenue. This section also adds a \$2.00 surcharge for violations of any county ordinance or state criminal or traffic law. Such surcharge will be deposited into the Head Injury Fund. This is substantially similar to SB 757 (2002) and SB 41 (2001). This provision is also contained in SCS/SB 721 et al (2002).

SPINAL CORD INJURY FUND - This act also modifies the language on the Spinal Cord Injury Fund. Instead of a \$25 fee for every intoxicated related offense (current law), a \$2 surcharge will be assessed on every violation of criminal or traffic offense. The money will be deposited in the Spinal Cord Injury Fund. This provision is also contained in SCS/SB 721 et al (2002).

PERMIT DRIVER STICKERS - This act requires the Director of the Department of Revenue to issues stickers or signs which bear the words "PERMIT DRIVER" to permit drivers. The sticker or sign may be affixed to the rear window of the motor vehicle by the permit driver. This language is contained in SB 930 (2002). This provision is also contained in SCS/SB 721 et al (2002)(section

302.130).

INTERFERING WITH AN ARREST - The act adds resisting or interfering with a detention or stop to the current crime of resisting or interfering with arrest. This act creates the presumption that a person is fleeing a vehicle stop if the person continues to operate a motor vehicle after seeing emergency lights or hearing a siren from the law enforcement vehicle that is pursuing the person. This act makes resisting or interfering with an arrest, detention, or stop is a Class D felony. This act also makes resisting an arrest by fleeing in such a manner which creates a substantial risk or serious physical injury or death a class D felony. This language is similar to that contained in SB 807 (2002). This provision is also contained in SCS/SB 721 et al (2002).

HAZARDOUS MATERIALS - This act prohibits persons from transporting hazardous materials through highway tunnels. This act also prohibits parking vehicles containing hazardous materials within 300 feet of a highway tunnel unless allowed by federal regulations. Violation of this act is a Class B misdemeanor for the first offense, and a Class A misdemeanor for a second or subsequent offense (Section 304.370). This provision is also contained in SCS/SB 721 et al (2002).

ABANDONED MOTOR VEHICLES - This act provides that for any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five days of the accident, the agency requesting the tow shall write out an abandoned property report or a crime inquiry and inspection report (Section 304.001). A provision similar to this is also contained in SCS/SB 721 et al (2002).

SEGWAYS - This act allows electric personal assistive mobility devices (EPAMD) to be operated on streets, highways, sidewalks and bicycle paths and grants operators the rights and duties applicable to pedestrians. Persons under 16 years of age shall not operate an EPAMD, except for an operator with a mobility-related disability. EPAMDs may only be operated on roadways with a speed limit of 45 mph or less. Such devices, however, may be used to cross roadways with higher speed limits. EPAMDs shall be equipped with lamps and red reflectors when operated during the period from one-half hour after sunset to one-half hour before sunrise. Operators of such devices shall ride the device as near to the right side of the roadway. Any person 17 years of age who violates this act shall be guilty of an infraction with a maximum fine of \$25. If a person under the age of 17 years of age violates this act, the police officer may impound the device for a period not to exceed five days. Cities and counties may adopt

regulations or ordinances which are more restrictive than the provisions of the act with respect to speed, area of operation, and other safety measures. These provisions are similar to SB 1098 and HB 1746 (2002)(Sections 307.205 - 307.211). These provisions are also contained in SCS/SB 721 et al (2002).

DRIVING WHILE REVOKED - This act inserts the phrase "or any other state" to Section 302.321, RSMo, so that a person operating a motor vehicle with a cancelled, suspended or revoked license by any state will be committing the crime of driving while revoked. In State of Missouri v. Rowe (January 8, 2002), the Missouri Supreme Court held that a person whose Iowa license was revoked under Iowa law was not subject to Missouri's driving while revoked law because it only applied to Missouri revocations. This section also includes county and municipal violations toward the enhanced penalty provisions of the driving while revoked law (Section 302.321). This provision also requires that for the enhanced penalties for driving while revoked to apply that the prior offenses occurred within 10 years of the present offense and that the person served a sentence of 10 days or more on the previous offenses. This provision is also contained in SCS/SB 721 et al (2002).  
STEPHEN WITTE

Sponsor: Farnen

Handler: Yeckel

HB 1342 - This act provides that no election will be held for party committeeman or committeewoman if only one candidate for committeeman or committeewoman in a district files prior to the deadline.

This act contains an emergency clause.  
JIM ERTLE

Sponsor: Myers

Handler: Foster

CCS/SS#2/SCS/HB 1348 - This act creates and revises various agricultural programs.

ETHANOL PRODUCER PAYMENTS - This act expands the definition of a "Missouri Qualified Fuel Ethanol Producer" to be at least 51% owned by agricultural producers actively engaged in agricultural production.

BIODIESEL FUELS - The act sets up the "Biodiesel Producer Incentive Fund". The definition of "biodiesel" has been changed to the scientific definition. A qualified Missouri biodiesel plant or producer must be accredited by the National Biodiesel Accreditation Commission. The incentive payments are paid on a monthly, post-production basis.

DESIGNATION OF FOREST CROPLANDS - The act sets forth the application process for a person to designate land as forest cropland. The Conservation Commission may administer cost-share incentive program to promote sustainable forestry on private lands.

AGRICULTURAL MARKETING - This act sets up the "Organic Production and Certification Fee Fund" and "The Missouri Agricultural Products Marketing Development Fund" for the promotion of Missouri agricultural products.

BOLL WEEVIL - The act changes the referendum time for assessments from five to ten years.

FERAL HOGS - This act defines feral hogs and prohibits the release of them into the wild. The act also allows a person to kill a feral hog and not be liable to the owner.

WINE AND GRAPES - The pro rata charge is increased to six dollars per ton of grapes, or 160 gallons of grape juice produced by commercial producers of this state. This fee shall be deposited in the "Missouri Wine Marketing and Research Development Fund". Of this fee, three dollars per ton, or 160 gallons of grape juice shall be used for research and advertisement of grapes and grape products.

This act also allows for the collection of an additional six cents per gallon of wine sold. This money shall be deposited in the "Marketing Development Fund", which is to be used by the Department of Agriculture to research and advertise grapes and grape products in Missouri.

NEW GENERATION COOPS - This act expands the definition of New Generation Processing Entities.

FARM EQUIPMENT - This act repeals and reenacts a double-enacted section from last year. It also provides that a dealer may accept the manufacturer's reimbursement terms and conditions.

FUEL INSPECTION - This act allows the Director of the Department of Agriculture to promulgate rules and regulations for the



This act contains a provision identical to one contained in  
SCS/SB 656 (2002).  
STEPHEN WITTE

Sponsor: O'Connor

Handler: Yeckel

HCS/HBs 1386 & 1038 - This act permits the use of sun screening material with a light transmission of 35% or more, plus or minus 3%, and a luminous reflectance of 35% or less, plus or minus 3%, on front windows and sidewing vents located to the left and right of motor vehicles registered in Missouri. The Department of Public Safety may issue a permit to any person to operate a vehicle with sun screening with less light transmission and more luminous reflectance if the person has a serious medical condition and the sun screening is prescribed by a physician. The permit allows the operation of the motor vehicle by any titleholder or relative within the second degree of consanguinity who resides in the household.

The act does not prohibit the use of labels, stickers, decalcomania, or informational signs on motor vehicles; the application of tinting or solar screening material on recreational vehicles; or factory-installed tinted glass. This act also removes any restrictions on tinting of rear side windows and rear windows. The degree of sun tinting on vehicle windows will no longer be a part of motor vehicle inspections.

The act has an emergency clause.

This act is similar to SCS/SBs 727 & 703 (2002).  
STEPHEN WITTE

Sponsor: Ward

Handler: Yeckel

HCS/HB 1398 - This act permits veterans who were residents of Missouri at the time of their death to participate in the World War II medallion program. This act also alters the ending date for active service from September 30, 1945, to December 31, 1946, and changes the deadline for filing applications for World War II medals from January 1, 2002, to July 1, 2003.

This act grants spouses of eligible, deceased veterans the



employee, officer, or trustee; or Internet service provider who complies with the law shall not be liable if a minor gains access to pornographic material through the use of the school's computer. These provisions are similar to HCS/SS/SB 665 (2002).

NET METERING (Section 386.887) - This act creates the "Consumer Clean Energy Act" which allows customer-generators of electricity to sell, by agreement, energy generated to the wholesale generator. This energy shall be treated as energy generated by the generator providing electricity to the retail electric supplier. Each retail electric supplier shall calculate the net energy measurement for a customer-generator.

This act requires each retail electric supplier to maintain and make available records of the total generating capacity of customer-generators and the energy source used.

The customer-generator shall pay the cost of meeting the standards set out in this bill and any cost to install additional controls, metering or additional tests.

Applications by a customer-generator for interconnection to the distribution system shall be accompanied by certification from a qualified professional.

These provisions are similar to SB 1100 (2002).

TELECOMMUNICATIONS (Section 392.410) - This act modifies Section 392.410, RSMo, by exempting from restriction the ability of political subdivisions to provide certain telecommunication providers with services or facilities on a nondiscriminatory, competitively-neutral basis, and at a price which covers cost, including imputed costs. This section terminates on August 28, 2007. The PSC is required to do an annual study on the economic impacts of this section. This portion is similar to SB 886 (2002).

AGGREGATE PURCHASING OF NATURAL GAS FOR SCHOOLS - This act creates a mechanism for school districts to aggregate purchases natural gas through a not-for-profit school association. During the first year participation is limited to public schools and thereafter to all schools or school districts for elementary and secondary education. Missouri gas corporations are required to file a set of small volume transportation schedules or tariffs applicable to public school districts by August 1, 2002. These provisions will terminate on June 1, 2005. These provisions are similar to SB 900 (2002).

PUBLIC SERVICE COMMISSION - This act removes a joint

municipal utility commission from being considered a corporation subject to oversight by the Public Service Commission (Sections 386.025, 393.295 and 393.765).

Bonds issued by a joint municipal utility commission may be sold at a public or private sale and at such price as the commission shall determine (Section 393.725).

All property acquired as a result of the bonds shall be subject to taxation only to the same extent as other property owned by the municipality in proportion to the municipality's interest or participation in the property (Section 393.740).

These provisions are similar to SB 1131 (2002).

EMISSIONS FOR CYCLONE-FIRED BOILERS - The act limits emissions from cyclone-fired boilers which burn tire derived fuel to eighty percent of the limits in the Clean Air Act. This portion is contained in SB 1011 (TAT) and CCS/HS/SS#2/SCS/SBs 984 & 985 (TAT) (2002).  
CINDY KADLEC

Sponsor: Green

Handler: Foster

SS/SCS/HCS/HB 1403 - This act allows owners in private building contracts to retain a portion of payment due to a contractor in order to ensure the proper performance of the contract. Such retainage shall not exceed ten percent of the payment due pursuant to the contract or agreement unless the contractor's performance is not in accordance with the contract, in which case the owner may retain additional sums in any amount. Contractors may tender substitute security to an owner, after which the contractor may receive cash payments of retainage already withheld or may avoid withholding of retainage. Subcontractors may likewise tender substitute security to the contractor and either recover or avoid withheld retainage. Acceptable substitute security shall include CDs from a bank within Missouri, a retainage bond, or an irrevocable and unconditional letter of credit from a Missouri bank.

A contractor may not withhold retainage from subcontractor in a percentage greater than their own retainage unless the performance is not in accordance with the subcontract. Upon a release of retainage, contractors are to promptly pay subcontractors their ratable share of the retainage released.

If a subcontractor's performance is satisfactorily completed, the subcontractor may be released prior to substantial completion of the entire project. Within 30 days of reaching substantial completion, all retainage must be released by the owner less 150% of the cost of remaining items to complete. Thereafter the contractor must pay subcontractors within 7 days. Substantial completion is defined as the occurrence of the earlier of the architect or engineer issuing a certificate of substantial completion or the owner accepting the performance of the full contract.

If retainage is withheld wrongfully a court may award interest on the amount at 1 1/2% per month plus attorney's fees. This act will apply to certain contracts entered after August 28, 2002. Agreements formed after August 28, 2002, will be unenforceable to the extent that their provisions conflict with this act.

This act is similar to SB 911 (2002).  
CINDY KADLEC

Sponsor: Barnett

Handler: Klindt

SCS/HB 1406 - This act increases the membership of the Northwest Missouri State University's Board of Regents from seven to nine. The act leaves intact the current six member board, the members of which must live in the state college district in which the university is located, while one member must be a resident of Nodaway County. The act allows the Governor to appoint two additional members from anywhere in the state, so long as they are not from the same congressional district.

This act is similar to SB 903 (2002).  
DONALD THALHUBER

Sponsor: Barry

Handler: Gibbons

SS/SCS/HCS/HB 1443 - This act modifies provisions relating to child abandonment.

A technical change is made to a USC cite in Section 192.016. In addition a new section creates the "Safe Place for Newborns



various public retirement systems.

CERF (Section 50.1020) - All new hires of the counties will pay a 4% of compensation contribution for employees hired on or after February 25, 2002. The contribution may be paid either by the county or the employee, at the election of the county. (Section 50.1040) - Allows an optional contribution, at the option of the county, for members of CERF not to exceed 4% for non-LAGERS employees. The contribution shall be paid by the member.

ACCRUAL OF SICK LEAVE - (Section 217.665) The act provides that any active member of the board of probation and parole who accrued unused sick leave prior to July 1, 2000, shall not be denied the use or ability to have that unused sick leave credited toward retirement. This provision affects members of the Board of Probation and Parole and certain Directors of State agencies as a result of the implementation of Section 105.950.

ST. LOUIS CITY POLICE RETIREMENT - Changes the method of calculation of average final compensation for members who earn creditable service on or after October 1, 2001. It also includes transportation fringe benefits as "earnable compensation". Any chairman of the board of trustees may serve without term limitations. Payments from DROP accounts to survivors will be made in a lump sum within 60 days after receipt of proof of death. The act also clarifies interest payments on DROP distributions. The act addresses eligible rollovers of benefits. These provisions are similar to HB 2144 (2002).

ST. LOUIS CITY FIREFIGHTERS RETIREMENT - This act allows a firefighter to terminate employment with five or more years of service but less than twenty years to apply at age 62 for a service retirement allowance. The method of calculation and payment to survivors is indicated. The act also provides for a minimum monthly benefit for surviving spouses of \$525 and for members \$625. The act also removes restrictions on retirement increases which have previously been limited by the Consumer Price Index. Effective May 1, 2002, upon proof of death in the line of duty a widow will receive a retirement allowance equal to 70% of the pay for the next highest step above the member's range at the time of death.

BACK DROP FOR STATE EMPLOYEES - This act allows a retiree to elect to take any portion of the eligible service for the back DROP in 12-month increments.

This portion is contained in SCS/SB 1133 (2002).

HEHPRS: Employee leave taken by an employee without compensation pursuant to the Family Medical Leave Act may be counted as continuous service. The board is authorized to contract for provision of disability benefits to members.

The act modifies payments and method of calculation to survivors, including surviving spouses and children under the age of twenty-one.

The act clarifies that any payments from the HEHPRS retirement system shall be subject to the collection of child support or spousal maintenance. The Highway Commission may contract with others for the provision of health and death benefits.

This portion is contained in SCS/SB 1133 (2002).

MSEP and MSEP 2000: Employees who have forfeited credited service may restore the forfeited service upon continuous employment for one year.

The act revises provisions relating to reemployment of retired members. Benefits would cease upon being hired in a position requiring at least 1000 hours per year and the employee would be considered a new employee with no previous creditable service accruing additional creditable service. The retiree would then receive an additional retirement benefit for the additional creditable retirement upon retirement. The original annuity and the additional annuity shall be paid commencing one month after termination of employment. A retired member who becomes employed in a position covered by the Highways and Transportation Employees' and Highway Patrol Retirement System after August 28, 2001, shall not receive retirement benefits or accrue additional creditable service from MOSERS.

Eligible members who terminate employment and retire within 60 days are eligible for \$5,000 life insurance. Beneficiaries are allowed to assign life insurance proceeds. Reporting of sick leave is clarified for reporting to MOSERS. Members are allowed to designate a beneficiary for a final payment of a retirement benefit.

This portion is contained in SCS/SB 1133 (2002).

MSEP: Members who terminate employment on or after September 1, 2002, will no longer have the option of cashing out of the system.

This portion is contained in SCS/SB 1133 (2002).

MSEP 2000: The act defines responsibilities and obligations for persons employed by the Board to administer disability benefits and establishes appeals procedures. Employees may not receive creditable service in MSEP or MSEP 2000 for period in which the employee participated in a defined contribution plan of a college or university.

The beneficiary of any member who purchased creditable service shall receive a refund upon the members death and the method for calculation of the refund is provided.

The act changes the number of bienniums necessary for retirement eligibility for members of the General Assembly. Currently members must serve two full bienniums. The act changes this service requirement to three full bienniums.

This portion is contained in SCS/SB 1133 (2002).

JUDGES: Any judge who was a Commissioner or Deputy Commissioner of a Circuit Court prior to August 28, 1999, who has creditable service in MSEP and the judicial plan may consolidate the service under either plan or draw separate retirement benefits from each. This portion is contained in SCS/SB 1133 (2002).

TRANSFERS OF SERVICE: Any person who has transferred service pursuant to Section 104.800 may elect to make an additional transfer of service prior to retirement. In no event shall the transfer of service exceed eight years. This portion is contained in SCS/SB 1133 (2002).

ALL PENSION PLANS - All public pension plans are required to biennially prepare an actuarial valuation that complies with the Governmental Accounting Standards Board recommended standards and guidelines for public sector pension plans. This portion is similar to HB 1674 (2002).

DURABLE POWER OF ATTORNEY - (Section 104.1093) - Allows for the designation of an agent, for a retired member who becomes incapacitated where there has been no designation of a durable power of attorney.

This act contains an emergency clause.  
CINDY KADLEC

Sponsor: Ward

Handler: Loudon

SCS/HB 1468 - This act modifies a provision regarding the Missouri Property and Casualty Insurance Guaranty Association. This act modifies the time when covered claims must be filed with the association, liquidator or insurer for claims subject to a final order of liquidation issued on or after September 1, 2000. This act allows the association to require information to confirm the existence of a covered claim.

This act clarifies the definition of "health benefit plan" as that term is used in the laws governing insurance, stating that the term does not include workers' compensation or liability insurance policies (HB 1446).

This act includes commercial inland marine insurance within definition of "commercial property".

This act modifies the law regarding the Director's approval of commercial casualty insurance filings. This act removes the language stating that a filing not approved or disapproved within a 60-day period is deemed approved. This act also requires commercial casualty insurance rates shall not be excessive.

This act modifies the law regarding actuarial data to accompany casualty insurance rates. Under the current law, such data must accompany every rating plan or filing. Under this act, such supporting data is only necessary if the Director requests the data to determine whether the rates are excessive, inadequate, or unfairly discriminatory.

This act deletes a provision from the law which exempted commercial property insurance and commercial casualty insurance policies from certain provisions of the law which concern regulation by the department of policy language, policy provisions or the format of such policies, or the rates associated with such policies.

STEPHEN WITTE

Sponsor: Green

Handler: House

SCS/HB 1473 - This act allows any managed care entity to provide documents and materials to an enrollee via the entity's Internet site, instead of in printed form, upon securing a waiver from the enrollee. The enrollee may revoke the waiver at any time or annually. This act clarifies the definition of "health benefit plan" as that term is used in the laws governing



Candidates for certain judicial positions no longer must file exemption statements from campaign finance disclosure requirements. Under current law, no nonpartisan candidate needed to file such exemption statements.

JIM ERTLE

Sponsor: Luetkenhaus

Handler: Rohrbach

SCS/HS/HCS/HBs 1502 & 1821 - This act restricts how insurance companies may use an applicant's credit information in their underwriting practices in automobile and property insurance.

The act prohibits insurers from taking an adverse action against an applicant or insured based upon credit information when: (1) credit information is the only underwriting factor; (2) using information contained in a credit report that the insurance company knows to be in dispute; or (3) renewing a contract, until the third anniversary date of such a contract.

The act prohibits insurance companies from: (1) providing credit information to third parties, unless specifically authorized by the federal Fair Credit Reporting Act; and (2) using the number of insurance inquiries an applicant makes as a negative factor in their insurance scoring formulas.

This act requires insurance companies to: (1) inform the applicant, at the time of application, if credit information may be used as an underwriting factor; (2) inform the applicant about his or her rights regarding their credit information when a credit report adversely affects the applicant; and (3) provide to the applicant or insured a statement of reasons for taking any adverse action which was based upon credit information if the insured or applicant requests such a statement within 30 days of the adverse action. The statement must be clear and specific, so that a person of average intelligence can identify the basis for the insurer's decision without further inquiry. Applicants and insureds may request reevaluation within 30 days following any correction to their credit report.

The provisions of this act applies to automobile and property insurance contracts entered into on or after July 1, 2003.

The provisions of this act are similar to those contained in SB 981 and SB 1215 (2002).





commemorate the beginning of the American Revolution.  
JIM ERTLE

Sponsor: Hoppe

Handler: Gross

SCS/HS/HCS/HB 1532 - This act revises the dram shop liability statute. The act provides that a cause of action may be brought against a person licensed to sell intoxicating liquor by the drink when it is proven by clear and convincing evidence that the seller knew or should have known that intoxicating liquor was sold to a person under 21 or was knowingly served to a visibly intoxicated person.

Being "visibly intoxicated" is when the person's impairment is shown by significantly uncoordinated physical action or significant physical dysfunction. A person's blood alcohol content will not constitute prima facie evidence to establish "visible intoxication" but may be admissible as relevant evidence.

The person who became intoxicated may not sustain such a lawsuit unless the person is under 21.

If a seller demanded and the drivers license or official state or federal personal identification card appearing to be genuine which showed that the minor was at least 21, it will be relevant in determining relative fault of the seller.

No employer may discharge an employee for refusing service to a visibly intoxicated person.

Insurance companies selling dram shop liability insurance must report all costs associated with coverage to the Department of Insurance. Rates will be governed by Section 379.889, RSMo.

This act is similar to SS/SCS/SBs 817, 978 & 700 (2002).  
CINDY KADLEC

Sponsor: Clayton

Handler: Klarich

SCS/HB 1537 - This act provides for the value of an estate to be offset by debt in determining whether the small estate administration statutes apply.



other creditor shall not diminish the reinsurer's obligation to the insurer's estate except where the reinsurance contract specifically provides for payment to the named insured, assignee or named beneficiary of the policy issued by the ceding insurer in the event of the ceding insurer's insolvency or where the assuming insurer has directly assumed the ceding insurer's policy obligations (Section 375.1202).

Allows business entities affiliated with insurers to be qualified managers of investment pools. This provision is contained in SS/SCS/SB 1009 (2002) (Section 376.311).

Modifies the law with respect to annuity contracts. Under the provisions of this section, for any contract issued on or after July 1, 2002, and before July 1, 2004, the interest rate shall be 1.5% for determining minimum nonforfeiture amounts (Section 376.671 ).

This act makes several changes to the long-term care insurance law. This act clarifies that the term "long-term care insurance" to include any insurance policy that meets the requirements of a "qualified long-term care insurance contract", as defined in Section 7702B of the Internal Revenue Code. This act requires the issuer of a long-term care contract to state clearly in its enrollment materials whether the contract is intended to be tax-qualified, pursuant to Section 7702B (Sections 376.951 - 376.1130).

This act requires the issuer to deliver the certificate of insurance to the applicant no later than 30 days after the date of approval. This act requires the long-term care policy summary to include a statement that any long-term care inflation protection option that may be required by the laws of Missouri is not available under the policy.

This act requires issuers to provide a written explanation for a denial of coverage within 60 days of receiving a written request for an explanation from the applicant. The issuer must provide all information directly related to the denial. This act allows insurers to rescind long-term care contracts upon a showing of misrepresentation. The degree of misrepresentation that must be proven will vary, depending on the length of time the policy has been in effect (Section 376.1124). This act prohibits a long-term care contract to be field issued based on medical or health status.

This act prohibits an insurer from recovering benefits paid to the policyholder when the issuer rescinds the policy. This act requires insurers to offer a policy that includes a

nonforfeiture benefit. If that benefit is declined, the issuer must then offer a contingent benefit upon lapse that will be available for a specified period of time following a substantial increase in premium rates. This act requires the Department of Insurance to promulgate rules creating the standards for nonforfeiture benefits, contingent benefits upon lapse, the length of time these benefits must run, and the extent to which premiums may be increased.

The Department of Insurance must also promulgate rules regarding marketing practices, agent testing, penalties, and reporting practices for long-term care insurance. The long-term care provisions are similar to those contained in HB 1701 and SB 1180 (2002).

This act modifies the law of investments made by mutual insurance companies. This provision allows stock and mutual insurance companies to invest in any investment in a Missouri tax credit or partnership interest which entitles the company to receive Missouri tax credits that may be used as a credit against the gross premium tax (Section 379.080 ).

STEPHEN WITTE

Sponsor: Barnett

Handler:

HB 1580 - This act permits the county commissioner of any county to appoint two additional citizens of the county who are not county officials to serve on the County Board of Equalization. Citizens appointed to the board may receive compensation if approved by the county commission.  
DONALD THALHUBER

Sponsor: Treadway

Handler: Mathewson

SS#2/HB 1600 - BILLIARD ESTABLISHMENTS - The act clarifies that the placards used to post the law concerning minors, alcoholic beverages and billiard tables shall have letters no smaller than ten-point type (SECTION 318.100).  
This section is similar to SB 1019 (2002).

ACCOUNTANTS - This act contains provisions concerning the State Board of Accountancy. The Board, at its discretion, may prescribe by rule the terms and conditions for license

re-examination and re-examination fees. This act allow temporary practice in this state by accountants from an outside state whose work in this state is incidental to their regular representation of a client. This act allows the Board to act by rule in order to permit licensed accountants to perform certain services on a contingency fee basis (SECTIONS 326.256 - 326.292).

The higher competency requirements for supervising attest services are separated from the requirements for supervising review and compilation services by the act. The requirement of a peer review of an accountant's license is also limited by the act to accounting firms, as is the issuance of review and compilation services. These sections are similar to provisions contained in HB 1689 and SB 896 (2002).

EXECUTIVE BOARD OF NURSING - This act alters the definition of the "executive director" position of the State Board of Nursing by striking the provision specifying that the Director must be a registered professional nurse (SECTION 335.016). This section is similar to provisions contained in HB 1689 & HB 1706 (2002).  
DONALD THALHUBER

Sponsor: Hoppe

Handler: Wiggins

SCS/HB 1634 - This act authorizes the state to make five conveyances of state property controlled by the department of natural resources, including a transfer of land in Jefferson county.

This act modifies provisions relating to land trusts in Jackson, St. Charles and St. Louis counties. The act changes the date by which actions to set aside a court administrator's or sheriff's deed to within one year of the court administrator's foreclosure sale. The court administrator or sheriff can collect their deed fee at the time of the foreclosure sale.

The act also modifies the membership of land trusts, to include a member appointed by the county executive, if the county has an executive. Land trusts are authorized to sell certain tracts of vacant residential property to the owners of contiguous property. The act provides budget requirements and deadlines for county governing bodies to object to land trust budgets and that a failure to object constitutes approval. The approved budget may only be amended with the consent of the county and city that appointed members.

If there are insufficient funds available to pay the salaries and other expenses of the land trust, additional funds may be requisitioned from the county and city not to exceed 25% of the annual budget year without consent of the county and city.

Performance audits may be conducted by the State Auditor or the Kansas City Auditor. Cost of performance audits must be paid for by the land trust and made available to the public within 30 days of completion.

The act modifies the distribution of assets from the sale of any property in the trust to provide that the trust may be used to pay salaries and other expenses of such trust. Any funds in excess of those necessary to meet the expenses of the trust plus a reasonable sum to carry over into the next fiscal year may be paid to taxing authorities and tax bill owners.

The act also modifies provisions of law related to rehabilitation of historic properties in Kansas City. Currently, not-for-profit organizations may seek temporary possession of abandoned property if organization intends to use the property for low- or moderate-income housing. The act deletes that requirement. Under current law, the organization may petition the court for an order conveying title after the expiration of one year. The act provides that the organization may petition the court for such an order after the rehabilitation work is completed. The act allows the owner of the abandoned property to seek restoration of the property prior to the completion of rehabilitation work. The court then determines whether the owner has the resources to complete the rehabilitation work. If the court determines that the owner does not have the resources, the court shall not restore possession. If the court determines that the rehabilitation work is complete or that the owner has the resources to complete the work, the court shall restore possession and determine what compensation is due to the organization.

Currently, organizations must file annual reports on the progress of rehabilitation efforts. The act provides that the organization must file quarterly reports.

This act revises the fees to be collected by certain county collectors for all current and delinquent taxes collected as compensation for mailing the statement and receipts. County collectors in counties not having a township organization are also authorized to collect a certain percentage of fees for the collection of taxes on behalf of the county. The act increases the additional fee from five to seven percent for collection of delinquent and back taxes to be collected from the taxpayer in





Sponsor: Graham

Handler: Jacob

CCS/HCS/HB 1711 - This act generates numerous modifications to the state's education policy.

SECTION 82.293 - This section asserts that, absent explicit statutory authority, the city of Lee's Summit shall not impose a surcharge nor any fee in order to compensate a school district.

SECTION 108.140 - This section allows school districts to use bond proceeds in order to pay expenses relating to the bond issuance.

SECTIONS 160.011, 160.051, 160.530, 161.092 and 166.260 - These sections allow public schools to establish family literacy programs. Additionally, funding for family literacy programs is added to the priority list of "statewide areas of critical need for learning and development". Further, family literacy personnel are made eligible to receive a portion of the funds already allocated to address said statewide areas of critical need for learning and development. Also, these sections allow local boards of education to include family literacy programs in the "child at-risk in education programs" which utilize moneys already distributed to school districts by means of the state aid formula.

The act mandates that, starting in fiscal year 2005, a portion of the state school aid appropriation shall be distributed by the Department of Elementary and Secondary Education (DESE) to establish and fund family literacy programs in school attendance centers declared academically deficient or school districts declared unaccredited or provisionally accredited. This amount shall be 1.5% of the total line 14 distribution. DESE will promulgate rules for the distribution of these family literacy funds.

Additionally, the act requires the State Board of Education to make an annual report to the General Assembly and the Governor concerning coordination with other agencies and departments of government that support family literacy programs.

Further, this section asserts that the Board of Education shall grant provisional teaching certification to persons with a valid teaching certificate from another state who meet certain

criteria.

SECTION 160.518 - This section expresses that the State Board of Education shall identify or, if necessary, establish one or more developmentally appropriate alternate assessments for students who receive special educational services. Any student who receives special educational services shall be assessed by an alternate assessment upon a determination by the student's individualized education program team that such alternate assessment is more appropriate to assess the student's knowledge, skills and competencies than the current assessment. The alternative assessment shall evaluate the student's independent living skills and how well the student meets standards for personal independence.

SECTION 160.720 - This section asserts that the Governor will recognize schools (as identified by DESE) that demonstrate high student achievement and designate such institutions as 'performance' schools. Said performance schools (or districts) will be eligible for waivers of certain administrative rules that result in a meaningful reduction in administrative burden.

DESE will identify as 'priority' those schools, or school districts, that are either: academically deficient; unaccredited; provisionally accredited; or not meeting any of the accreditation standards on student performance based upon the statewide assessment system. In order to address these areas of deficiency, the Board of Education of any priority school district will submit an accountability compliance statement to DESE on or before August 15 that: identifies and analyzes areas of deficiency in student performance by school, grade and academic content area; provides a comprehensive strategy for addressing these areas of deficiency; assures disclosure of deficiency areas in the school accountability report card; and annually reviews the sections of the safe schools act that pertain to school discipline and ensure that the school district's policies are consistent with those sections. This act allows the St. Louis city district, which has a desegregation settlement academic improvement plan, to submit that plan for review so that elements that occur in the accountability compliance plan and the desegregation academic improvement plan can be reviewed by DESE to prevent duplication of effort.

The comprehensive strategy for addressing the aforementioned areas of deficiency will include: aligning curriculum to address areas of deficiency; focusing professional development funds on the areas of greatest academic need; establishing school accountability councils; developing a resource reallocation plan for the district while considering the need to implement

applicable strategies for the feeder schools of said priority districts; and creating programs to improve teacher and administrator effectiveness. Further, the comprehensive strategies will develop for any student who is not already receiving special education services (and is performing at the lowest level of proficiency in any subject area under the statewide assessment) an individual performance plan in that subject area which will: outline responsibilities for, and be developed by, teachers in consultation with the child's parents, guardian, or other adult responsible for the student's education; and require those students performing at the lowest levels of proficiency in any subject area be provided with additional instruction time and for students in grade 9 to 11 to retake the assessment.

School districts shall include in any program for improvement of teacher and administrator effectiveness policies that require participation in one of several professional development programs listed in the act. One additional year of intensive professional development assistance shall be offered to teachers and administrators who do not complete or make adequate progress in said professional development activities. The act exempts certain individuals from this process.

Any resource reallocation plan must include at least one of the following elements: reduction in class size for areas of academic concern; establishment of full-day kindergarten or preschool programs; establishment of after-school, tutoring and other programs offering extended time for learning; employment of national board-certified teachers or regional resource teachers, along with appropriate salary enhancements for such teachers; establishment of programs of teacher home visitation; or the creation of "school within a school" programs to achieve smaller learning communities within priority schools.

The Department of Elementary and Secondary Education will develop a program of administrator mentoring which focuses on the needs of priority schools and priority school districts.

The Department of Elementary and Secondary Education will withhold state funding to any district until that district submits an accountability compliance statement.

SECTION 163.011 - This section contains modifications to definitions affecting the state school funding formula. This section adds a definition of "district equalized assessed valuation" which averages a district's assessed valuation from the first and second preceding years. The act also modifies the definition of "guaranteed tax base" to include the average of the

third and fourth preceding years, instead of basing the amount on only the third preceding year.

SECTION 163.036 - This section provides that a school district (with at least 10% of its assessed valuation owned by a single property owner that is delinquent in property tax payments) may request that the actual assessed valuation of the year for which the taxes are delinquent be adjusted in the calculation of state aid on line 2 of the basic formula calculation to compensate for the assessed valuation of property for which the current year's property tax is delinquent.

This provision is activated by the non-payment of property taxes by March 15 for taxes due the prior December 31 for a single property owner in a school district when commercial and/or personal property assessed valuation exceeds 10% of the total assessed valuation of the school district for the year in which the taxes were due.

SECTION 168.400 - This section states that DESE shall promulgate rules to allow all teacher education students who have been employed for at least two years as teacher assistants to utilize their teacher assistant experience to bypass the practice teaching evaluation and observation process. These rules shall allow the certified teacher working with the teacher assistant to observe and evaluate said teacher assistant's practice teaching.

SECTION 170.014 - This section prescribes that all public schools establish reading programs in kindergarten thru grade three based on scientific research. Such programs shall include the essential components of phonics awareness, phonics, fluency, vocabulary, and comprehension. All new teachers who teach reading in kindergarten thru grade three shall receive adequate training in the aforementioned areas. Such reading programs may include explicit systematic phonics.

This act contains provisions similar to: SCS/HB 1817 (2002); SB 783 (2002); SS/SCS/SB 1059 (2002); SB 1136 (2002); SB 1183 (2002); SB 1246 (2002); SB 1250 (2002) & SB 1256 (2002).  
DONALD THALHUBER

Sponsor: Moore

Handler: Klarich

HB 1715 - This act expands the use of state-funded interpreters for the deaf in judicial proceedings.  
ERIN MOTLEY

Sponsor: Ransdall

Handler: Steelman

CCS/SS/HB 1748 - This act revises various provisions relating to water resources.

PUBLIC WATER DISTRICTS - The act allows a petition for the formation of a public water supply district to become final and conclusive if signed by at least fifty owners of real property within the boundaries of the proposed district. Under current law, the petition must have voter approval before becoming final and conclusive. The act establishes petition publication criteria including newspaper publication. This portion is similar to SCS/HS/HCS/HB 1650 and CCS/HS/SS#2/SCS/SBs 984 & 985 (2002).

WATERSHED DISTRICTS (Section 278.258) - The act allows any county that has not adopted an annual watershed district tax that is within a watershed subdistrict to detach from the subdistrict. Detachment from the subdistrict must be approved by a majority of the landowners in the county. The detachment must take place before an annual tax is adopted. The watershed district trustees must make arrangements for the county to pay any outstanding indebtedness for services or works of improvement before the detachment. Watershed district trustees must certify the separation with the recorder of deeds in each county in which the subdistrict lies and with the State Soil and Water Commission. This portion is identical to HB 2113 (2002) and similar to SCS/HS/HCS/HB 1650 and CCS/HS/SS#2/SCS/SBs 984 & 985 (2002).

SEWER COMPANIES (Section 393.847) - The act specifies that every nonprofit sewer company shall be supervised and regulated by DNR to the same extent and in the same manner as any other nonprofit corporation who treats wastewater. This portion is similar to SCS/HS/HCS/HB 1650 and CCS/HS/SS#2/SCS/SBs 984 & 985 (TAT) (2002).

PRIMACY FEE (Section 640.100) - This act extends the drinking water primacy fee to September 1, 2007. This portion of the act is similar to CCS/HS/SS#2/SCS/SBs 984 & 985 (TAT) and SCS/HS/HCS/HB 1650 (2002).

BURDEN OF PROOF (Section 640.825) - In all matters heard by the Environmental Hearing Commission the burden of proof shall be on DNR or the Commission initially making the finding or decision. However, in appeals involving the denial of a permit,

license or registration, the burden of proof shall be on the applicant. In any matter where someone other than the applicant appeals, the burden of proof shall be on that person. This portion is similar to provisions of SB 881, SS/SCS/HS/HCS/HB 1962, SCS/HS/HCS/HB 1650 (2002), and CCS/HS/SS#2/SCS/SBs 984 & 985 (TAT)(2002).

AQUACULTURE (Sections 644.016, 644.051, 644.052) - This act revises provisions relating to water permitting for aquaculture. Aquaculture is defined as the controlled propagation, growth, and harvest of aquatic organisms.

Prior to issuing a general permit or permit by rule the Director of the Department of Natural Resources must hold meetings with permit holders, applicants and the public to evaluate pollution impacts of pollutants. After the meetings the Director would draft the permit considering the comments of the meeting and post it for public comment. The Director must also concurrently post an explanation with the draft permit which shall identify types of facilities which are subject to the permit. A hearing may be requested on the draft permit.

After consideration of the comments the final permit would be issued. The time between the request for the hearing and the hearing date will not be calculated for purposed of the time frames in which a permit must be issued.

Unless requested by the facility, aquaculture facilities will not be required to obtain site-specific permits but will obtain general permits. However, facilities which materially violate the conditions and requirements of the general permit may be required to obtain a site-specific permit. The fee for aquaculture facilities is capped at \$250. This portion is similar to SB 1072, SCS/HS/HCS/HB 1650 and CCS/HS/SS#2/SCS/SBs 984 & 985 (TAT)(2002).

CLEAN WATER COMMISSION (Section 644.036)- The act requires the Clean Water Commission to adopt any listing required by section 303(d) of the Clean Water Act to be promulgated by rule pursuant to chapter 536. This portion is similar to SS/SCS/HS/HCS/HB 1962, SCS/HS/HCS/HB 1650 and CCS/HS/SS#2/SCS/SBs 984 & 985 (TAT)(2002).

BONDING FOR STORMWATER PROJECTS (Sections 644.578) - 644.580)- This act changes the date for authorizations for bonding for water sewer and stormwater projects. Current law authorizes the Board of Fund Commissioners to issue bonds for grants and loans pursuant to several sections in Article III of the Missouri Constitution which are administered by the Clean



attorneys. Individuals with HIV who are aware of their status must disclose such information to any health care professional providing treatment (Section 191.656).

Current law requires every person delivered to the Department of Corrections to undergo HIV testing and, if such tests are positive, the Department may inform the victim of any sexual offense. This act includes deviate sexual intercourse in the definition of "sexual offense" (Section 191.659).

Currently, it is prohibited for any person infected with HIV to act in a reckless manner. This act expands the description of reckless manner to include biting another person or purposely causing another person to come in contact with the mucous membranes or nonintact skin of the infected person. Current law imposes a Class D felony on those violating the provisions of this section. This act modifies the penalty to a Class B felony, unless the victim contracts HIV from the prohibited contact, in which case, the penalty will be a Class A felony. Violation of certain provisions will remain a Class D felony. The Department must assist law enforcement officials and may produce records concerning an individual's HIV-infected status, counseling received, and contact information for the partners of such person (Section 191.677).

When sexual offenses are involved, a new section allows a court to order testing for HIV, hepatitis B and C, syphilis, gonorrhea and chlamydia. The results must be released to the victim and to the prosecutor or circuit attorney. Such records will be sealed (Section 566.135).

Current law prohibits the crime of prostitution and imposes a penalty of a Class B misdemeanor. This act imposes a Class B felony if, before the act of prostitution, the person knew that he or she was infected with HIV. The use of condoms is not a defense and the court may not allow the defendant to change the plea. The Judge may consider successful completion of a drug or alcohol treatment program.  
ERIN MOTLEY

Sponsor: Hosmer

Handler: Klarich

HB 1768 - This act provides that judgment liens on real estate will continue for 10 years if the judgment was entered after August 28, 1998. For judgments entered prior to that date, the judgment lien shall continue for three years.

This act clarifies changes made in 2001 by SB 10.  
JIM ERTLE

Sponsor: Shelton (057)

Handler: Coleman

SCS/HB 1773 - This act increases the compensation of police officers in the City of St. Louis from July 1, 2002, through June 30, 2003, based upon rank and years of service. The act repeals provisions which allowed the Board of Police Commissioners to provide salary increases above the scheduled amounts for commissioned employees with thirty or less years of service.

This act also provides that the Board may grant three weeks of vacation to members with one to eleven years of service, however, the board may grant an additional week of paid vacation to members after one year of service, four weeks of vacation to members with twelve to twenty years of service, and five weeks of vacation to members with twenty-one or more years of service. Members may receive fifteen holidays with pay. The act also allows the board to grant additional holidays with pay.  
JEFF CRAVER

Sponsor: Harlan

Handler: Kennedy

SCS/HB 1776 - This act limits the state's allowable fee for processing certain adoption documents to \$100 per child per adoption, or per multiple children adopted at the same time. Current law allows a fee of \$10 per document.

This act also provides that the Director of the Department of Revenue shall be the custodian of the "Statutory County Recorder's Fund". Current law provides that the State Treasurer shall be custodian of the Fund. Moneys in the fund shall be deemed non-state funds.

This act is similar to SB 1258 (2002) and SB 1078 (2002).  
JIM ERTLE





Health and Senior Services Document Services Fund. Currently, Section 192.323, RSMo, specifies that the fund only be used for goods and services related to document services. This act broadens the purpose of the fund to include personnel costs and costs related to the collection of data along with its current purposes.  
ERIN MOTLEY

Sponsor: Monaco

Handler: Klarich

HB 1814 - This act modifies provisions relating to orders of protection.

No filing fees, court costs or bond will be assessed in an action seeking a protective order. This act adds victims of the crimes of domestic assault and stalking to the list of victims that do not have to pay any fees associated with filing criminal charges against the offender. Only the petitioner can file a motion to terminate an order of protection. If the order granted child custody to the respondent, then the act provides procedures for both parties to agree or object to a request for termination.

The act provides that foreign orders of protection will be enforceable in state courts. The foreign order may be filed in the circuit court having jurisdiction. No fee or cost may be charged for the filing of the foreign order.

A court may order a party to pay a reasonable amount to the other party for attorney's fees in actions seeking a protective order. Current law allows the court to order a party to pay a reasonable amount for the cost to the other party of maintaining or defending the suit, as well as for attorney's fees.

The clerk of the court shall make the uniform forms adopted by the supreme court available to petitioners. Section 455.508 is deleted based on changes to Section 455.504.

The clerk must notify the guardian ad litem of appointment immediately and give the guardian the names of the parties within 24 hours.

This act is similar to portions of SB 1152 (2002).  
JIM ERTLE

Sponsor: Walton

Handler:

HB 1822 - This act modifies the maximum military leave available to state employees from 15 days per year to 120 hours per year. Leave shall be calculated in one hour increments or multiples thereof, and an employee may only be charged for those hours which he or she would otherwise have been required to work.  
DONALD THALHUBER

Sponsor: Hosmer

Handler: Caskey

HB 1838 - This act requires all applications for a motor vehicle franchise dealer to include certification of an established place of business which must be performed by a member of the Highway Patrol or an officer of a metropolitan police department. On applications for licensure as a boat manufacturer or boat dealer the certification will be performed by a uniformed member of the Water Patrol, Highway Patrol or metropolitan police department.  
CINDY KADLEC

Sponsor: Seigfreid

Handler: Mathewson

HB 1839 - This act clarifies that a municipal road district may be dissolved if a majority of the voters are in favor of the dissolution.  
JIM ERTLE

Sponsor: Seigfreid

Handler: Mathewson

HB 1840 - This act provides for the Ethics Commission to supply an electronic reporting system for use by lobbyists.  
ERIC ROSENKOETTER

Sponsor: Scott

Handler: Rohrbach

SCS/HB 1846 - This act changes the semi-annual dates that a village must publish a financial statement in a local newspaper

from March 1st and September 1st to any date so long as the publication is semiannual.

JEFF CRAVER

Sponsor: Barnitz

Handler:

SCS/HB 1849 - This act authorizes the conveyance of state property to the County Commission of Crawford county. The Commissioner of Administration shall set the terms and conditions for the sale.

This act contains an emergency clause.  
JIM ERTLE

Sponsor: Burcham

Handler: Staples

HB 1861 - This act authorizes the conveyance of certain state property to the Habitat for Humanity of St. Francois county. The Commissioner of Administration shall set the terms and conditions for the sale.

JIM ERTLE

Sponsor: Barnitz

Handler: Westfall

SS/SCS/HCS/HB 1888 - This act provides that itinerant vendors and peddlers shall provide upon request by law enforcement officials proof of purchase of any unused property, and forging a receipt shall be prosecuted pursuant to Section 570.090, RSMo. "New and unused property" is defined as tangible personal property that has never been used since its production or manufacture and is in its original unopened package. The act also adds altering a receipt, price tag or price code with the intent to cheat and defraud a retailer to the list of stealing crimes, and provides for a reasonable service charge on returned checks.

This act authorizes pawnshops to report certain information about pawnshop transactions to appropriate law enforcement authorities. Pawnshop owners may accomplish the necessary reporting by electronically transmitting the required information

to a database. Any reporting pawnshop is required to submit transaction information to the database within one business day of the transaction. Such reporting pawnshop must make paper copies of transactions available to law enforcement, upon request. The act authorizes the creation of a database by a third party engaged in the business of operating databases. Law enforcement may then access the database in their investigation of alleged property crimes. Any person who fraudulently accesses the database shall be guilty of a Class C felony. Municipalities within St. Louis County and St. Louis City may regulate the number of pawnshop licensees. This portion is similar to SB 1076.

This act provides that a pawnbroker shall require from those selling property proof of identification. If a seller or pledger fails to provide proof of identification, the pawnbroker shall hold the property for thirty days and can then transfer the property, provided the seller submitted a signed statement attesting he or she is the legal owner and when and from whom the property was acquired. A claimant whose property was misappropriated may demand return of the property and must provide written demand for its return, a copy of the police stolen property report containing a particularized description or applicable serial number and an affidavit wherein claimant asserts legal ownership, describes the property, agrees to cooperate with law enforcement in any prosecution relating to the theft and states the property was taken without claimant's consent. If such demand is made, the pawnbroker shall return the property to claimant, in the presence of a police officer, within seven days. However, if the pawnbroker has reason to believe any of the statements in the affidavit are false, the pawnbroker need not return the property and claimant may seek relief in court. The non-prevailing party shall be responsible for court costs and the prevailing party's attorney fees. Conversely, if the pawnbroker returns the property but later discovers information contained in the affidavit was false, or that claimant did not assist police in the prosecution of the theft, the pawnbroker may file suit for the value of the property and the non-prevailing party shall be responsible for court costs and the prevailing party's attorney fees.

This act lowers the felony stealing limit from \$750 to \$500, and raises the felony limit for numerous other crimes involving theft from \$150 to \$500. The other criminal statutes affected are: making a false statement to receive health care payment; sale of any species of wildlife; tampering with computer data; tampering with computer equipment; tampering with computer users; determination of value; receiving stolen property; alternation or removal of item numbers with intent to deprive rightful owner;









Sponsor: Farnen

Handler: Caskey

HB 2002 - The act revises provisions related to coroner's inquests. After notification of a dead body, a coroner has the discretion to issue a warrant to the local Sheriff to summon a jury for a coroner's inquest. Current law requires that a coroner issue such a warrant.

Currently, jurors are responsible for determining if a person died as the result of a felony. This act would also require jurors to determine if the felonious act was justified. Coroners are empowered to issue summons for evidence, documents and materials of substance. The jury may view the dead body by photographic, electronic or other means.

This act is similar to SB 1113 (2002).  
JIM ERTLE

Sponsor: O'Connor

Handler: Kenney

SS/SCS/HB 2008 - This act adds a definition of "powersport dealer" to the definitions for licensure of dealers, manufacturers and auctions. A "powersport dealer" sells motorcycles, all-terrain vehicles and personal watercraft.

This act creates advertising standards for dealers. Dealers are prohibited from using the terms "at cost" and "\$\_\_\_ above cost" in advertising. Other terms are limited in their use. Violations of the advertising standards shall be deemed an attempt to obtain a fee or compensation by fraud, deception or misrepresentation and can subject the dealer to discipline.

This act also eliminates lienholder possession on motor vehicle and manufactured home certificates of title. The owner of the motor vehicle or manufactured home is required to list the lienholder on the application for title and failure to do so is a Class A misdemeanor. The process for perfection of and releases of liens for lienholders and subordinate lienholders is specified.

This act also restricts the use of license plates that are patently offensive or contemptuous of a racial or ethnic group.

This act is similar to portions of SCS/SB 926 and SCS/SB 1264 (2002).  
CINDY KADLEC

Sponsor: O'Connor

Handler: Kenney

SCS/HB 2009 - This act requires that business signs for certain motor vehicle dealers contain the name by which the dealership is known to the public. The name does not need to be identical to the name appearing on the dealership's license as long as the name is registered as a fictitious name with the Secretary of State, has been approved in writing by the line-make manufacturer in the case of a new motor vehicle franchise dealer, and a copy of the registration is provided to the Department of Revenue.

CINDY KADLEC

Sponsor: Bartle

Handler: Kenney

HB 2018 - This act requires the County Clerk of Jackson County to send a copy of the aggregate valuation listed in the tax book for a school district to each school district within the county by June 15.

JEFF CRAVER

Sponsor: Richardson

Handler: Stoll

SCS/HB 2022 - This act repeals and reenacts without change Section 178.870, RSMo, which sets community college property tax rates.

Further, this act adds a provision allowing the establishment of community college capital improvement subdistricts for the purpose of capital projects. The board of trustees of such a district may propose an annual rate of taxation for the sole purpose of funding capital projects. The act provides a format for which the proposals shall be submitted to the voters of the district. A majority vote is necessary for the levy and collection of property taxes within the subdistrict. If a tax has been not been approved within a five year period from the establishment of a community college capital improvement subdistrict, such subdistrict shall be dissolved.

The provisions of this act are contained in the HCS/SCS/SB 947 (2002).

DONALD THALHUBER

Sponsor: Franklin

Handler: Foster

SS/HB 2023 - This act aspires to align the special education policy of the state with the provisions set forth in the federal Individuals with Disabilities Education Act. The definitions of "Handicapped Children" and "Special Educational Services" are altered by removing references to the maximization of such students' capacities and capabilities.

This act modifies the due process hearing rights for parents of a child with an individual education plan. Current law allows such parents to request an expedited hearing to contest the disciplinary placement of the child to a provisional alternative setting or to challenge a manifestation determination connected with a disciplinary action involving an interim placement for weapons, drugs, or if the child poses a danger to other students or to him/herself. An educational agency may also request such a hearing to seek placement of a violent or dangerous student.

The act substitutes the specific reasons for the disciplinary placement with language that permits a parent to request a hearing on any disciplinary change of placement. Further, the act revises the appeal procedure for the hearing panel decision, which currently permits appeals pursuant to the administrative procedures laws. Instead, the act specifies that a court will hear the case without a jury upon the record filed as the resolution conference statutes provide and limits the court's review to a determination of whether the agency's action: violates the constitution; is made upon unlawful procedures; is arbitrary, capricious, or unreasonable; or involves an abuse of discretion.

DONALD THALHUBER

Sponsor: Kreider

Handler: Stoll

HB 2039 - The governing body of any county, city or village may designate any street, road or highway within its borders as a memorial road for a law enforcement officer killed in the line of duty. Such county, city or village shall be responsible for the costs, erection and maintenance of signs marking the road.

JIM ERTLE

Sponsor: Ransdall

Handler: Mathewson

SCS/HB 2047 - This act expands the criteria under which







